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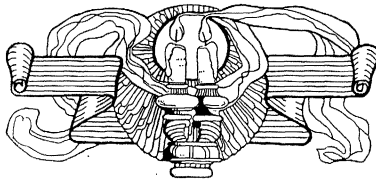
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CLAIMS OF CERTAIN BRITISH SUBJECTS

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CORRESPONDENCE

Between the Government of the Republic of Hawaii

AND

Her Britannic Majesty's Government

IN

RELATION TO THE CLAIMS

OF

CERTAIN BRITISH SUBJECTS

ARRESTED FOR COMPLICITY

IN THE

INSURRECTION OF 1895 IN THE HAWAIIAN ISLANDS.

HONOLULU :
HAWAIIAN GAZETTE COMPANY,
1899.

Gift
W. S. Penfield
7-15-30

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CORRESPONDENCE IN RELATION TO THE CLAIMS OF
CERTAIN BRITISH SUBJECTS ARRESTED FOR
COMPLICITY IN THE INSURRECTION OF 1895.

Mr. Hawes to Mr. Hatch.

BRITISH CONSULATE GENERAL,
Honolulu, August 26th, 1895.

F. M. HATCH, ESQUIRE,
Minister of Foreign Affairs,
etc., etc., etc.

SIR:—Her Majesty's Government have had under their consideration in communication with the Law Office of the Crown the proceedings of the Hawaiian Government against British Subjects for complicity in the recent rising in cases where the persons in question have suffered arrest and detention under the powers conferred on the Executive by the proclamation of Martial Law, without having been brought to trial.

The cases in question which exhibit the same general characteristics viz. arrests on suspicion of complicity in the revolution; more or less prolonged detention in prison; some severity of treatment while so detained; and inducement by undue pressure to leave the country, were these of

J. B. Johnstone
Charles E. Dunwell
James Brown
Lewis J. Levey
M. C. Bailey
F. H. Redward
Thomas W. Rawlins
Arthur McDowall
F. Harrison
C. W. Ashford
G. Carson Kenyon
Edward B. Thomas

In the case of J. B. Johnstone Her Majesty's Government are advised that there is no ground for protest or claim, his confession to me at the time of his deportation, that he could not face a trial, which was reported to Her Majesty's Government on the 7th of February last, being considered practically tantamount to an admission of guilt on his part.

The explanations your Government offered in the case of Charles E. Dunwell are already in the possession of H. M. Government.

In regard to the other persons above mentioned I am directed by Her Majesty's Government to express to you their desire to be acquainted with the contention of the Hawaiian Government as to the cause of arrest in these instances and the reported vigorous treatment, and generally as to the rights and wrongs of these proceedings; with that view I have the honor to enclose extracts from the sworn statements of the above named British subjects bearing on the points to which Her Majesty's Government have asked your attention.

I have the honour to be

With the highest consideration etc.

A. G. S. HAWES.

H. B. M's Commissioner and Consul General.

[Enclosure 1.]

I James Brown of Honolulu, declare upon oath that I was arrested on January 9th about noon by D. H. Davis and taken to the Station House; no charge against me was made, and no warrant for my arrest produced.

In answer to my question for what I was arrested, a clerk at the Station House said "for safe keeping." About three o'clock in the afternoon I was taken with others to the prison, and put into a cell there with another man, here I remained for two weeks, being allowed four hours' exercise daily. Then I was put into a separate cell, and for three days I was allowed only half-an-hour out each day, and not permitted to speak to any of the other prisoners. On the night of January 25th, at 5 o'clock Mr. Kinney came, said he was sorry to see me in this cell, that he had come to see me because he was a friend of mine and thought that I would tell him all I knew; he said that he was pretty certain, to the best of his knowledge that five men would be shot viz: Mr. Gulick, Mr. Rickard, Major Seward, Mr. Walker and Mr. Wilcox; that he thought Carl Widemann would get a life sentence and \$10,000 fine, Marshal and W. Greig would get 20 years and \$5000 fine, and one native would get five years for just taking food for the rebels, he advised me then, if I wanted to get out of it, to tell all I knew. He took me out of the dark cell, where I had spent the night (there was no bedding or blanket, and I had to sleep on the bare floor), to Mr. Low's bedroom. I told him I knew nothing. He said, "Oh no, you are lying, you know lots." He then asked me if I had driven any of the principal insurgents. I told him, "Yes," and that I had driven almost all of them for years back: explaining that it was in the ordinary course of my business. He asked if I had driven anyone to Kakaako on Thursday evening, January 3rd, I said I had not and that I knew nothing about the Kakaako rackets

until next morning. He asked me particularly if I had driven Bowler or others in such a way as to know anything of their political movements: I said no, and that I knew nothing. He then sat quiet for a few minutes, and said he would give me an opportunity of telling what I knew, saying that he had witness to prove that I knew as much as anyone about the plot. He then sent me back to the dark cell, in spite of my strong remonstrance; but a few minutes later I was released and put in my old cell. A few days afterwards Mr. Kinney came again and questioned me about Mr. Bowler, saying that he had evidence of Bowler having sent for me to drive him on the night of January 3rd, I told him I was in bed at the hour he mentioned. A few weeks later he came again, and said, "Do you want to get out to-day?" I replied that I did; and he said, "Then tell me what you know." I repeated that I knew nothing at all, and had nothing else to tell him. He took a paper and pencil, and told me to tell what I knew, I persisted that I had nothing else to tell him, and walked away from him. He called me back, but I would not come, and he threatened me with the dark cell again. I was however allowed to go back to my own cell. One day the Marshal came, I think on February 7th, to speak of my leaving the country until annexation should take place. I declined to be put on board steamer under a guard, as he proposed; but said that if I were set at liberty I should like to attend to some business and accompany my mother to San Francisco.

He said that he had evidence enough against me to imprison me for five years. A few days later I signed a paper, with Mr. Neumann's approval, and was released; by the paper I agreed to leave the country until permitted by the Foreign Minister to return.

(Signed)

JAMES BROWN.

Signed and sworn to this 21st day of February, 1895, before me.

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 2.]

I, Lewis J. Levey, a subject of Great Britain, resident of Honolulu, Hawaiian Islands, upon being duly sworn depose and say:

I have resided in Honolulu 13 years, engaged in business of auctioneer at corner of Queen and Fort streets. Was in my office at 2:30 p. m. on January 9, when Richard Davis, a special policeman, and Captain Scott, member of the police force, entered and informed me that the Attorney-General desired my presence at the Station House. Both officers were armed and I accompanied them. Arriving at the Station

House I was ushered into a private office, in which were sitting W. O. Smith, Attorney-General, and James A. King, Minister of the Interior of the Republic of Hawaii. Captain Scott delivered me into the hands of the Attorney-General who requested me to be seated. The following conversation between the Attorney-General and myself took place:

Have you within the last two weeks stated that you knew the name of the vessel that brought the arms for the rebels?

No sir!

You lie!

Have you within the last two weeks stated that you knew who furnished the money with which to purchase the arms used by the rebels?

No sir!

You lie!

Captain Scott who was present during the interview was then instructed to take me below and confine me in one of the cells.

I wanted to ask the Attorney-General for permission to communicate with my family but was not permitted to speak.

On reaching the clerk's desk, I was searched and relieved of my watch, chain, keys, money, etc., and afterwards placed in a very dirty cell in which an American known as "Alabama" Mitchell and a kanaka were confined at the same time. After a detention of perhaps thirty minutes, the cell door was opened and I was ordered to get in line with fifteen others. We were surrounded by an armed body of men and marched through the public streets to the Oahu Prison, where we arrived about 4 o'clock that afternoon. In company with Frederick Harrison, also a citizen of Great Britain, I was placed in rather a small cell, perfectly bare of furniture and bedding and kept under lock and key until the next afternoon at about 4 o'clock—twice during this period 5 P. M. and 7 A. M. some hard bread and a tin cup full of tea was passed through the door. At 6 P. M. my wife sent me bedding and a mosquito net. At 5 P. M. on the second day we were given some meat and potatoes which we were forced to eat with our hands as knives and forks were forbidden. After the meal we were allowed ninety minutes exercise in the prison yard. During the time of my incarceration I was allowed four hours exercise in the prison yard out of twenty-four hours. The day after my arrest my wife applied to the Marshal of the Republic for permission to visit me and was given an order upon the governor of the prison who refused to allowed her inside.

On January 12, H. B. M. Commissioner A. Hawes called to see me and asked if I had seen my family and when informed of the circumstances related above, expressed surprise and he would enquire into it. On Monday following my wife and brother were permitted to visit me and converse in the presence of the governor of the prison. I had several inter-

views with H. B. M. Commissioner Hawes and urged him to have a day set for my trial or to try and have me admitted to bail. No charges had been presented and I had no knowledge, beyond what I may have gained during the conversation with the Attorney-General on the day of my summary arrest, as to what I was to be charged with. Three weeks after my arrest, and consequent upon it my wife was taken seriously ill. I was also ill and was obliged to call the services of my family physician. During the fourth week of my incarceration H. B. M. Commissioner Hawes called upon me and asked if I knew myself to be in such a position that it would be desirable to sign a document which would bind me to leave the country until permitted by the Minister of Foreign Affairs to return, I said I did not and should refuse to sign such document. This I refused in the presence and upon the advice of my attorney, Mr. Paul Neumann. On the 37th day of my imprisonment, however, I yielded to my wife's entreaties and signed the document as stated above and was released from confinement.

During the thirty-seven days I was in Oahu Prison I was denied newspapers and my letters were taken from the Post Office by orders of the Marshal and opened and read by him or persons connected with his office. My business suffered from my absence and through the arrest of my book-keeper, M. C. Bailey, presumably for the same reason as myself.

In closing this I wish to state clearly and emphatically that I had no knowledge whatever of the revolution prior to the time it began; that I knew nothing of the vessel landing arms until it was published in the newspapers nor had I any knowledge that money was furnished with which to purchase munitions of war to be used by persons in any attempt to overthrow the existing government. I never stated to anyone that the government could not find arms which I had concealed in my premises for the simple reason that I had none to conceal. On the night of the revolution I was at home with my family as it was wont to be. While my sympathies have been and are with the late monarchy I have never, by word or deed, done ought that might be construed as an attempt to overthrow the present government by revolutionary measures.

I wish to state, further, that in signing the paper presented to me by the government, whereby I obtained my release, I, in no way admitted, any connection with the revolution; it was simply the choice of two evils after I had been informed that it might be sixty days before I would be brought to trial.

(Signed)

LEWIS J. LEVEY.

Signed and sworn to the 28th day of February, 1895, before me.

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 3]

Personally appeared before me M. C. Bailey this 4th day of March, 1895, being duly sworn, depose and say: I was arrested on the 12th day of February, 1895. Taken to Oahu Prison and locked in a cell, next morning was let out in the prison yard for ninety minutes, and there met Mr. Fred. Harrison and others I knew, I had a talk with Mr. Harrison and got from him an account of the treatment he had received, it seemed to me very severe, he had decided to leave the country, seeing he could not get a trial, he strongly advised me to accept government terms unless I wanted to go through the same he and others had done.

On the 14th of February, 1895, Mr. Hitchcock, the Marshal, told me (in the office at the prison) that the best thing I could do would be to sign the government document and so secure my liberty. On the 15th February, 1895, Mr. Kinney (Judge Advocate, etc.) sent for me and said while Lewis J. Levey is in prison we shall hold you, and that while he admitted they might not have a strong case against me (they had enough to be sure of a conviction) very little evidence was needed these times of one thing, however he was dead sure, if they could not convict me here. Under martial laws they had the power to deport me to San Francisco for the authorities there to deal with me, as he was informed I was wanted, these I tried to argue with him that I did not think the San Francisco authorities were looking for me, that his proposition was altogether illegal that my consul would protect me.

Yes, he says, protect and what can that do for you, we don't care a dam for English, American or any other Foreign Representatives, they knew England and America sided with what they were doing, I found it was no use contradicting anything he said, his manner was so over-bearing and severe, he said sharply to me, Bailey, Mr. Levey has your fate in his hands, to save yourself you persuade him to sign document government wants and we will let you go where you like so long as it is out of this country, if not we may deport you to San Francisco by the next S. S. Australia. Mr. Levey being sent for, we were allowed a private interview and I told Mr. Levey what had passed. I did not think I could get a fair trial, neither did I consider their military commission a legal tribunal. I looked upon it as a hopeless tribunal, I did not like the idea of waiting in prison two months for a trial. Mr. Kinney having told me there were 100 prisoners to be tried before mine and Levey's could be reached. I further make oath and say that I had no connection with any rebellion or plot against the Hawaiian Government and that I was unaware of any. That I know of no just cause of my arrest and deprivation of liberty and that I have committed no offence

against said Hawaiian Government warranting any deprivation of my liberty. * * * *

(Signed)

M. C. BAILEY.

Signed and sworn to at Honolulu this 4th day of March, 1895, before me.

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 4.]

I, Fred Henry Redward, declare upon oath that on the 7th. day of January, 1895, I was arrested whilst at work in King Street, Honolulu, by three special policemen whose names I do not know. I asked for what I was arrested, but could obtain no explanation, and was told to "come on," no warrant for arrest was shown me; I asked to see one, but was told that I did not require any. I was taken to the Station-house and searched; I objected to being searched. I demanded the reason of my arrest and after some delay was told "for conspiracy." I was, after being there for about an hour, marched to Oahu Gaol, where I remain until February 13th. During that time, after I had been imprisoned about a fortnight, T. B. Walker told me and others that he was sent by the Marshal to suggest to us that we should sign an agreement to leave the country. I told him that I was ready to stand my trial at any time, though no charge was presented to us, and would not sign such an agreement. When I with others saw Mr. Hawes, the British Commissioner, we told him of this proposed agreement, and ask him to try to have us brought for trial or released on bail. On or about February 11th. James Brown, who had agreed to sign an agreement such as the aforesaid, told us that we could get out that day if we would so sign; I refused. Next day I sent to the Marshal, told him that I was willing to stand my trial, as I was not guilty of anything, and knew nothing of the rising on January 6th, but that, rather than remain a further indefinite period in prison, I would sign an agreement to leave the country, the Marshal saying that probably I should be able in a short time to return. My only reason for consenting to go was that I did not know how much longer I might be kept locked up before being allowed to go up for trial.

(Signed)

F. H. REDWARD,

In order to leave the country through the said agreement, I have had to sell most of my property at great loss. My house was searched by the police the day after my arrest in my absence, I being in prison.

(Signed)

F. H. REDWARD.

Signed and sworn to this 23rd day of February 1895 before me.

(Signed)

THOMAS RAIN WALKER.
British Vice-Consul.

[Enclosure 5.]

I, Thomas William Rawlins, a British subject, hereby solemnly declare upon oath that I have resided in Honolulu for 20 years; that on Tuesday, 8th. January 1895, when about to depart from the Police Station, Honolulu, where I had been to deliver up my gun and ammunition in compliance with the government requirements, I was arrested by Gus Hammer, the Police Station clerk, without any warrant, and escorted inside the Police Station by a man armed with gun and fixed bayonet; that when taken inside, I was asked, if I would allow myself to be searched that I replied in the affirmative, but asked the reason for such search; that Rosehill, the police clerk replied "Don't ask any questions" and that Hammer the other police clerk present said "I have no time to answer," that after being searched and the contents of my pockets taken from me, I was about to be locked up, but I said "Hold on, before being taken below, I wish to call on that gentleman who is sitting outside in my buggy; I wish to tell him how I am situated;" that Mr. R. Collins, the party referred to, was then admitted and I then said to him "I am under arrest, and in your presence I now make a strong protest against my detention, as I am an innocent man and there is no charge made against me;" that I was not feeling well, locked up in a cell by myself; that subsequently I was released from the cell and allowed to walk in the station-house yard; that after being confined in the yard for 3 or 4 hours, W. O. Smith, Attorney-General appeared on the scene; that I went to him and said: "Mr. Smith I am under arrest and do not know what its for;" that he replied to me in a very surly manner, saying: "Sit down and meditate," that he then left me, but returned a little later on, when I again repeated my request to know the reason of my arrest and detention; that he answered by saying: "Well, if you want to know, you are arrested for conspiracy;" that towards dusk, I was marched under armed guard through the principal streets to the Oahu Jail; that when in Jail I was served with one small dirty blanket which had evidently been used for a considerable time by one of the ordinary prison inmates and consequently I had to procure bed clothes from my house; that the cell in which I was confined measured about 6 feet by 5 feet or thereabouts and that there were two of us confined in the same cell; but I was shut up in the cell during 20 hours out of every

24; that some days I was allowed less than 4 hours for meals and exercise in the yard; that one day whilst I was confined in prison, Thomas B. Walker, one of those who had been arrested, came into the yard when we were at break-fast; that he took me aside and informed me that he had been sent by Marshal Hitchcock to speak to me; that he said the Marshal had sent him, that the Government was in possession of all the necessary evidence required to hang me and that he advised me to accept the offer of leaving the country without being tried by Court-Martial; that I enquired of Walker what authority he had for making this offer, thinking that he might possibly be chaffing me; that Walker then said: "I have the Marshal's authority for it," and at the same time produced a piece of paper on which was written a list of those persons in jail whom he had been instructed by the Marshal to interview; that my name was on the list; that I also remember seeing Fred Harrison's name on the same list; that I laughed at the idea and refused his offer to leave the country; that later on I found that Walker had approached other of the prisoners in the same way; that I have also been informed by various prisoners that whilst confined in jail they had been interviewed by Government Officials who by threats and intimidation had endeavoured to get incriminating evidence against others or tried to get them consent to leave the country; that I was incarcerated in jail for four weeks viz: from Tuesday, January 8th. until Tuesday February 5th. that on the latter date Henry Waterhouse, a member of the Advisory Council of the Hawaiian Republic, came to the prison and I was called to his presence; that on his speaking to me, I asked him in what capacity he was addressing me and that he replied, in that of Deputy Marshal that he took me and J. S. Walker, another prisoner to the Police Station where I was informed by Marshal Hitchcock that he had been ordered by the Cabinet to release me on my own recognizance to appear when called upon. * * * *

(Signed)

T. W. RAWLINS.

Signed and sworn to in Honolulu this 4th day of March, 1895, before me-

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 6.]

City of Honolulu }
Island of Oahu. } ss.

Arthur McDowall being duly sworn on his oath, deposes and says, am a British subject, was born in North Briton, Lon-

don, England, on the 9th day of January, A. D. 1855, have been a resident of Honolulu since the year 1877 and was married on the 28th day of August, A. D. 1888, to Anastasia Swift, also a native of London, England. During my residence in Honolulu and up to the 7th day of January, A. D. 1895, was never charged with any offence against the laws of the Hawaiian Islands. On the 7th day of January, A. D. —, I was arrested by two armed men, "The Rev. H. W. Peck and one, named Allen," without any warrant and conveyed to the Oahu Prison, where I was confined until Friday, the 15th day of February, A. D. 1895, and although I many times requested to know what I was charged with, never was informed nor was brought to trial.

During my confinement in the Oahu Prison I was placed in company with a kanaka who was very dirty and I was not allowed a bed, hammock or blanket, in fact nothing but the bare floor, I was kept in such cell until the 11th day of January, A. D. 1895, when I was allowed out about five minutes, I was allowed to go to the tap to wash my face, but was not allowed soap for that purpose and then was made to return to my cell and remain there until 1:45 p. m. of Saturday, the 12th day of January, A. D. 1895. I was not allowed to wash myself until then.

My food consisted of two very hard biscuits in the morning served at 9:30 and a pannikin of cold tea, and two biscuits and a pannikin of soup in the afternoon at 3 o'clock. On two occasions I got three biscuits and once I got a small piece of soft bread.

I many times demanded to know the reason of my harsh treatment. On one occasion I was informed that I was brought to jail under different circumstances than the rest of the men and on another occasion I was told to shut up, and go to Hell, other similar remarks were passed during my confinement. Since the 12th of January, I had very good food and got four hours exercise every day and was locked up the remaining twenty hours. On the 31st of January, A. D. 1895, Mr. T. B. Walker, a political prisoner, was brought to the jail and allowed his freedom in the yard with me. He informed me that Marshal Hitchcock had asked him to see me and endeavor to induce me to leave the country by the next steamer as it would be better for me. I told him that as I had done nothing whatever I should not think of leaving. Since then Mr. J. A. Magoon saw me on three different occasions and told me the government had very strong evidence against me and advised me to leave. On each occasion he told me a different story and I declined to go.

On Friday, the 15th, Marshal Hitchcock interviewed me and wanted me to leave in the Alameda, then hourly expected, I refused positively and was then locked up in a cell without

any window, no light, but what could come in the grating of the door from the dark cell. Again I was interviewed and on account of the severe strain brought to bear on me by my wife (who been sent to me that same morning) and other official, I consented to leave here by the Warrimoo on the 23rd of February, 1895.

I had nothing whatever to do with the rebellion in any shape or form. Had no arms or ammunition nor did I assist anyone in getting arms or ammunition, nor had any knowledge of arms or ammunition being brought to the country for revolutionary purposes or any knowledge there was to be a revolution nor even any reason to suspect the same.

(Signed)

ARTHUR McDOWALL.

Subscribed and sworn to before me this 21st day of February, A. D. 1895.

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 7.]

Statement of Frederick Harrison sworn to before Thos. Rain Walker, H. B. M. Vice-Consul at Honolulu on 2nd day of March, 1895.

The Sunday night of the trouble, January 6th, I was at home with my wife and family and servants at my residence at Waikiki, my wife being at that time sick in bed from childbirth, on Monday afternoon I moved my wife and family for safety to her father's residence in town and I slept at my home each night. On Wednesday morning I visited my wife and family and had not been there thirty minutes when two white police under arms came to the house (it was about 11 o'clock A. M.) and placed me under arrest without any warrant, I was then taken to the Station House, my watch, money, and keys were taken from me, and on enquiry was informed there was no charge against me. I was then removed to a cell occupied by one other man and detained there until about 3 o'clock, during which time Mr. James Brown, a British subject, was arrested and placed with me. I and others then ordered out and with fourteen or sixteen others were marched between an armed squad publicly through the streets to Oahu Gaol, I was then placed in an empty cell with another British subject, Mr. L. J. Levey, and kept inside without liberty until about 4:30 P. M. the following day, Thursday, when we were let out in the rear yard. Until this time in the jail all that we had was hard biscuit and tea, given to us in our cell, that afternoon they gave us meat and potatoes, for a few days we were allowed liberty twice during the day, in all about two hours a day. At this time my attention and others was called by Mr. A.

McDowall, a British subject, who was then confined in a cell with a kanaka for five days on prison fare, hard bread and tea, and that he had never been out of his cell, he asked us to try and help him get relieved, we stated we would do so if we could, as we pitied him.

About three days later Mr. Levey and I were removed to another cell outside the main building and were let out for exercise three times during the day with others that had been previously arrested, we got about four hours liberty out of twenty-four. About twelve days after my arrest, one night at about nine o'clock two guards came to my cell and ordered me to get all my clothes, etc. I fully expected to be removed to the Station House as others had been previously removed, it was known they were at the Station House, I was then taken into the main building where Low Gaoler, stated without question that he did not know the reasons for removing me but that he was ordered to do so. They then put me into a cell which was far inferior to the one I had left, as it was amongst others that contained kanakas, close and badly ventilated, I was then given about two hours liberty a day and only for myself, being forbidden to communicate with any other person. During the next day I was removed to another cell, only two cells away from the one I had occupied. About two days after, about 10 P. M. I was disturbed in my sleep by two guards being in my cell before I was awake, which was quite a surprise. They had no shoes on and seemed as though they had been to bed, as they were partly dressed. I asked what they wanted, they stated in low tones they were to put me in another cell, only three cells from the former one, it was very unpleasant and sorrying to be changed so often and at that time. A few days after, during the day, my cell was opened and Mr. T. B. Walker, who I understood had pleaded guilty to a charge of treason and was waiting sentence, stated he was sent to see me and others. The guard opened the door of my cell and Mr. Walker came in, he showed me a paper with a list of names as follows: (My name was first) F. Harrison, Norrel, Hy. von Werthen, H. Juen, T. W. Rawlins, and F. Redward. He asked me not to say anything about him showing me the list. He stated that the government wanted me to leave the country, and that they said they had enough evidence to convict us all, and no doubt they would confiscate all my property. I told him I would not accept the overtures, as I was not afraid if they gave me a fair trial, but was only afraid of manufactured evidence, and I would stand my trial. He bid me good-bye and I have not seen him since to speak to. I also told him to inform those that sent him, that whatever business they had in regard to myself to do the same through my counsel, Mr. Neumann. I saw Mr. Neumann a few days after and told him about the proposal. He said my

trial would likely come up at any day and that he was trying to get everyone out on bail or bonds. After this I was again removed to another cell below, on the ground floor, the same floor as the dark cells are on. I told Mr. Low, the jailor, that I was tired of constantly being moved and asked him his reasons for doing so and he said he was only fulfilling orders. A few days after, I was allowed out in the rear of the building with several others together, which I appreciated after being by myself so long, having been in solitary confinement about eighteen days. At this time I knew of Mr. Wundenberg and Mr. James Brown having promises of leaving the country. Mr. Brown questioned me about the same and acknowledged that Mr. Low had told him to influence me to go. He told Low that I would not leave. I told Mr. Neumann about it and he promised to see into the matter. During this one night Mr. Low sent for me to see me alone in the office. He told me he was a friend of mine and that the natives were giving everything away, and that they had evidence to convict everyone that was there and he thought best for me to leave and go away, it would be only for a short while. I thought over the matter quickly, and told him, which he did, to telephone to Mr. John Nott, my father-in-law, to come at 6:30 A. M. next day, also for Mr. Neumann at 8 A. M. to consult over the matter. Mr. Nott came and advised me to go, as my wife and children were very sick and worrying over my imprisonment. I said I would not conclude to leave till I had seen Mr. Neumann. In the meantime Mr. Nott saw my wife and asked her to write me a letter as he could not get me to agree to go. I afterwards saw Mr. Neumann and he advised me it would be best for me under the circumstances, as he could not tell how long they would keep me waiting trial. After which Mr. Low sent for me and told me the Marshal wanted an interview with me. The Marshal told me that I had enemies here and that if I went away it would not be very long before we had annexation here and could return. He showed me a form of agreement, the time of leaving was by the S. S. Australia. I told him that I wanted time to close up my business, etc., and that I would leave about March 4th on the "Miowera" for Vancouver. He said he would have it altered and be back again in the afternoon at 4 p. m. and that I would share my liberty. In the afternoon the Marshal came and I had a private interview with him, Mr. Low leaving the room, who was afterwards called to witness my signature to the form. He gave me one of the forms to sign and in reading over the same I recognized that additions had been made that were not on the one previously shown, that I agreed to sign. In the first one shown there was nothing in regard to complicity in anyway whatever, the one signed read as follows as near as I can recollect: I, Frederick Harrison, having been

detained in Oahu Prison for complicity in the insurrection against the Hawaiian Government, agree to leave the country by the steamer "Miowera" about March 4th, during my life time never to return unless by permission of the Minister of Foreign Affairs and approved by the Marshal. The Marshal then called Mr. Low to witness my signature to the same.

* * * *

[Enclosure 8.]

Statement of C. W. Ashford, sworn to before Thomas Rain Walker, H. B. M.'s Vice-Consul, at Honolulu on 4th day of March, 1895.

CAPTAIN A. G. S. HAWES,

*Her Britannic Majesty's Commissioner and Consul-General
to Hawaii,
Honolulu, H. I.*

SIR:—I have the honor to represent to you the facts here following:

* * * * *

The Hawaiian monarchy, having been succeeded by a Provisional Government, which in turn gave place in July, 1894, to the Republic of Hawaii, there occurred in Honolulu, on the 6th day of January, 1895, a riot or insurrection against the authority of the Republic which was not entirely suppressed for several days following.

That neither my brother nor myself participated, or was in anywise concerned in the said riot, or in the plot or plan of the same. Yet despite our innocence of any complicity therein, we were by order of the government, and without warrant from any court or magistrate, arrested, at our respective homes, on Tuesday, January 8th last, and thrust into prison, and from thence to the present time neither of us has been charged or arraigned before any civil court in respect of the cause or causes of such imprisonment.

On January 24th, after 16 days imprisonment, I was ordered into solitary confinement, and so held for 31 days, until the end of my imprisonment. Owing to the leniency of the jailor, Mr. Low, and his desire to mitigate as much as possible the severity of his orders in my case, I was furnished with a light and airy room and was otherwise comfortably attended; but the prohibition of intercourse with others, continued during that period, began to so far affect my mind and memory as to awaken my earnest solicitude for my mental health, and as an important factor in bringing me to accept the terms of release offered me by the government, hereinafter referred to. The reason of my segregation from others was never explained

to me. From first to last I was not served with any charges or specifications of any accusation against me, nor do I know to this date for what offence I was imprisoned, this being left entirely to conjecture. Upon the arrest of my brother and myself, we obtained audience of the Attorney-General, (who was in charge of the matters pertaining to arrests) and we were by him informed that we were arrested for conspiracy. In description of our several offences the Attorney-General accused us of having each attended a meeting of conspirators, but which meetings were never attended by either of us, nor to the best of my belief, have the meetings ever been held as alleged. We have not since heard of those alleged meetings, but, on the contrary, are credibly informed that the officers of government, for some weeks after our arrest, confessed to our friends that they had no sufficient evidence to justify placing either of us on trial. But after the creation of the military commission, pressure and promises were brought to bear upon rioters by the government, to obtain evidence against white men suspected and hated by the government, my brother and myself included. The record of evidence in my brother's case will show that Nowlein denied having been so influenced, but his release from custody and departure for another island of this group since then is eloquent in contradiction of his assertion. By this means the government secured such evidence as they presented against my brother and their efforts is that direction both as to my brother and myself were unceasingly exerted on all hands. Thus, for example, a British subject named Charles E. Dunwell, was thrust into prison without any charge against him (as I understand) and he was to the knowledge of myself and many other inmates of the prison, brutally confined in the dark cell of the jail for many hours, for the purpose, as stated to him by the Marshal and others, of extorting from him some evidence against my brother. For proof of this fact I respectfully refer you to Dunwell's statement, as furnished to you.

The government sent to Hilo, 250 miles, arrested a British subject named F. M. Wakefield (a practicing attorney), charged him with treason, gave him solitary confinement for 48 hours, and brought him to Honolulu in order to extort from him evidence against me, a course followed presumably because Mr. Wakefield had formerly been for several months in my office, and was my confidential friend. Numerous Hawaiians, supposed by the government to be in my confidence, were imprisoned for weeks in the effort to extort from them evidence damaging me, but all to the best of my knowledge, without success. My office clerk, a young Chinaman, versed in several languages and for years acquainted with my mode of life, was arrested and placed in a dark cell of the Station House, in an unsuccessful effort in the same direction and he

and wife were visited by the inquisitors of the government and cajoled and threatened, with the same object.

In consequence particularly of my apprehension thus reasonably excited, of the results to expected from a trial by an illegal military commission before whom innocence is no defense, and partially because of the necessities of my business and my family interests, that I should obtain release from imprisonment, and also in part, because of the treatment injury to my mental health in case of my longer restraint under the existing conditions of solitary confinement, I accepted, on February 23rd last, the proposition of the government to release me from prison on condition that I should agree to leave the country not to return until the Minister of Foreign Affairs, with the approval of the Marshal (a subordinate officer, in charge of the police) should consent to such return. I signed an agreement to that effect, not in anywise admitting any complicity in the riot or guilt of any other offence, and signed it under duress, as a mean of escaping from a most arbitrary, unjust, and illegal imprisonment. I was further impelled to that step by the information that the Marshal had openly boasted, soon after my arrest, that I should never again be allowed to practice law in Hawaii, and in view of my reluctance to re-embark in controversies with the officers of the government which I was convinced their unscrupulous and malignant characters would force upon me in case I should remain in Honolulu and continued in legal practice. In other words the persecutions to which I had been subjected, and which were threatened for the future, not only by the express words of the Marshal, but by those of other partizans of the government, brought to my notice, coupled with the excited state of feeling against all who declined subservient submission to the pretentions of the dominant faction, convinced me that the prudent thing for me was to accept government's offer of liberty, and withdraw temporarily from this stage of action, until the flames of hate and prejudice shall have time to subside. I protest, however, and submit that it amounts in effort, to my deportation from the country, against my will, and without process of law, or any legal warrant, and I further protest and allege that I propose to carry out my agreement to leave the country merely as means of avoiding other results at the hands of the government, equally unjust and illegal, and more serious to my health, my liberty and my estate.

(Signed)

CLARENCE W. ASHFORD.

[Enclosure 9.]

Statement of G. Carson Kenyon, sworn to before Thos. Rain Walker, H. B. M. Vice-Consul at Honolulu, on 19th day of March, 1895.

About 8 o'clock in the evening of January 12th, as I was proceeding peacefully about my business down Fort street, I was arrested by two officers, one armed with a rifle. Their names were Albert McGurn and Aleck George. I was taken to the Station House and searched and my keys, watch, chain and pendants, knife, lead pencil, money and papers were taken from me, my pipe and tobacco and matches were left on me as well as my card case which escaped their notice. I was then hustled down into the yard of the Police Station and put into a cell. There was only a hard wood bench in the cell, nothing else. A blanket was thrust in through the window to me. I requested to send three messages. The man who thrust the blanket in said I could have no paper or writing material, but that they would attend to the messages themselves. I told him I wished word sent to my aunt, Miss M. F. Agnew, with whom I reside, that as she was alone in the house and my non-return that night would cause her anxiety, my whereabouts and my arrest might be told her, and also to my employer, D. Logan, editor of the "Bulletin" and also that I wished to see the British Commissioner. He said those things would be attended to, but I afterwards learned they were not. About ten minutes afterwards I was taken out of that cell and put into another wherein were two half-whites named George Markham and H. S. Swinton and a dirty repulsive whiteman usually styled Alabama Mitchell. Here I spent that night lying down in my clothes as I had no change of garments or night clothes with me when arrested. The following day, Sunday the 13th, I spent in that cell only being allowed out for purpose of nature and then with a guard at my heels all the time till I returned to my cell and the door was locked. Swinton was treated in the same manner, but Markham and Mitchell were allowed out freely at their own requests as often as they liked and were not followed about. Some of the native prisoners told me that they believed these men to be government spies, merely arrested and put into cells with other people for the purpose of eliciting incriminating facts from those confined with them that was also my own opinion based on knowledge. During the morning Swinton was taken from the cell.

On his return in about two hours he told me he had been up-stairs in the Marshal's office where his alleged connection with the revolution was investigated and his statement put down in written form by Chief Justice A. F. Judd.

About 3:45 p. m. I was taken out of the cell. I thought it was for investigation, but I was told I was to go over with

others to the jail I was then handcuffed to T. B. Walker, the turnkey saying to me, "I am sorry to do this, but it is my orders and I will handcuff you and Walker together as you are the only two white men," I replied, "If it is your duty, you must do it." Shortly after we were marched on foot thus handcuffed two and two through the streets crowded with spectators. There were about thirty of us altogether. The rest being natives or half-white, we were in charge of armed guards carrying magazine rifles and wearing cartridge belts. On our arrival at the jail we were released from the handcuffs (being about 5 p. m.), and ordered to give up any knives, papers, matches and writing material, we might have but not personally searched, Walker and I were then to have some food, and then placed together in a cell on the ground floor, where a hammock and a blanket were given me. A bucket with a wooden cover was the only other furniture of the cell. The door was locked on us about 5:30 p. m. and not opened until about 8 o'clock the next morning when we were allowed out to breakfast and returned to the cell in an hour, allowed out again the same afternoon for supper and that night we were shifted into a different cell. The cells are about seven by five feet and nine feet high. I was altogether in seven different cells during the time I was in jail. Sharing them respectively with T. B. Walker, C. Dunwell and E. B. Thomas. Our hours in the cells were excessive, being confined in that small space more than twenty out of the twenty-four hours, and at first being from 5:30 p. m. continuously to 9 o'clock the following morning, then from 2:30 p. m. to 4:30 p. m. our food was of poor quality and badly cooked and at times insufficient to meet the demands of ordinary appetite. No reading was possible in the cells except after 7:30 a. m. and before 5:30 p. m. owing to want of light. The stench from the bucket in the cell was at all times bad and sometimes insufferable. The guards and jailors were civil enough to me as far as the regulations permitted. On the morning following my arrival in the jail I asked to be allowed to write to the British Commissioner. I was refused, but Jailor Low told me he would telephone my request, but no message was sent to him. A week later or so I was allowed to see the Commissioner who visited the prison. In course of time as with other prisoners in the same gang with me offers were made and influence brought to bear on my aunt to induce me to sign that I was guilty of complicity in the rebellion and would leave the country if given my liberty.

These offers were not made to me personally by any official of the jail, police or military, but as in the case of others first from T. B. Walker after his conviction (as he stated by the authority of the Marshal and Judge Advocate Kinney) and then through each of the others who signed the document and

then for our Jailer Low to my aunt, Miss Agnew, telling her if I didn't sign I would get surely three or five years imprisonment at hard labor. I spurned all these offers and the accompanying threats of imprisonment with indignation as I had no part in or knowledge of the attempt at revolution prior to its outbreak.

On the 25th of February, I was told I was released. I asked Mr. Low "What for?" He replied, "I don't know. I was telephoned to discharge you so I have no further authority to hold you."

I am a British subject by birth and parentage and am duly registered as such in both the Vice-Consulate and Consulate-General in Honolulu. I hold letters of denization from the late king and from the Republic of Hawaii. I held when arrested on the 12th of January a pass written in his own hand writing by Marshal Hitchcock under the authority of Martial Law empowering me to go anywhere by day or night good till the 15th January. No explanation was or has been made to me why or what offense I was arrested, no explanation given of my deprivation of liberty from the 12th January to the 25th of February, and I have never been examined interrogated or cross-questioned during that time and I have never been brought before any tribunal—competent or otherwise—for any offense. My house was searched twice in one day during my enforced detention in jail and my aunt—the only relative I have on these islands—brutally assaulted without cause by an employer of the government while on her own fee simple premises while I was in jail unable to defend her. I have lost my employment through my absence from work while I was in jail and other injuries, small but annoying have happened from the same cause. My letters were taken from the Postoffice without my consent during my incarceration and opened and so a knowledge of my private affairs given to the Marshal and his subordinates without my consent.

(Signed)

G. CARSON KENYON.

Signed and sworn to at Honolulu this 19th day of March, 1895, before me.

(Signed)

THOMAS RAIN WALKER.

British Vice-Consul.

[Enclosure 10]

Statement of Edward Bedford Thomas, sworn to before Thos. Rain Walker, H. B. M. Vice-Consul at Honolulu, on 8th day of April, 1895.

On January 7th, 1895, in consequence of a revolutionary uprising of armed Hawaiians under two half-whites, Samuel Nowlein and Robert W. Wilcox, President Sanford B. Dole sus-

pended the writ of habeas corpus and proclaimed martial law on the Island of Oahu. On that same afternoon and within a few hours after the issue of such proclamation while I was laying down on my bed in my cottage in the rear of my business office on the corner of King and Smith streets, Honolulu, I heard the voices of strangers, and about 3:45 p. m. three strange men, armed with magazine rifles, came to my door and said to me that the Marshal wanted me at the Station House. The men could not have been long residents in the country as I knew not one of them. We went together and as I entered the Station House I was told to throw up my arms to be searched. I objected and said I wish to know what I was arrested for. They told me for conspiracy; so I submitted to being searched and they placed me in the yard among other prisoners and in about twenty minutes after they marched me off in company with about twenty others, escorted by armed guard to Oahu Prison.

With eighteen years' experience in this city I must say, that, with few exceptions this armed guard appeared to be composed of the lowest characters in the city. We arrived at Oahu Prison about half past four o'clock and after being searched, I was put into a cell. I was given a sailor's hammock (no bed) and a blanket (which was so full of holes that it put me in mind of a fisherman's net), a can of tea and two hard biscuits. We were locked up from the time we entered until 1:30 p. m. the following day. In the cell, which I occupied, they also locked up Harry von Werthern. When we two, were locked up in the cell, which was about five feet wide and seven feet long, an open bucket was also placed in with us as the only receptacle to be used for purposes of nature during that twenty-one hours' confinement in that small cell, and this when necessary we had to carry out ourselves. In the morning another can of tea without milk and two ship biscuits apiece were brought to us for breakfast. About 1:30 p. m. we were allowed out until 3 p. m. and again later for another hour. We were again locked up at 4:30 p. m. and remained in the cell as before till 2:30 p. m. the following day. After that we were allowed out three times a day for meals and exercise, never exceeding a total of four hours in the twenty-four hours. After thus being deprived of liberty for about three weeks, I was approached by T. B. Walker, British born but an American citizen, who had pleaded guilty to a charge of treason before the Court Martial with a proposition, that, if I would confess myself guilty of complicity in the revolution and leave the country, I would be given my liberty to leave. He told me, he was specially sent by the Marshal and Judge Advocate Kinney to make this proposition to me and others. I contemptuously rejected the proposition. Some weeks afterwards Mr. Tietjens, my book-keeper, made the same proposition to me and strongly

urged my acceptance of it but I again refused. Some days later Mr. Kinney personally urged me to do the same, having taken me for a private interview to the top of the battlements of the prison, for about an hour and a half telling me that it was a chance for me to get away and if I did not, I would get five years on the reef. Mr. Low, the chief jailor, also told me, that, if I did not sign to go away, the least I would get, would be five years imprisonment and that none of those in prison under arrest would get off unless they signed. I refused all these offers and scorned these threats as I was innocent and would not sign a lying document confessing my guilt. My business and private letters were all opened before I received them and my foreign mail delayed in its delivery.

On the evening of the 1st of March, thirty-four days of imprisonment, Marshal Hitchcock came to the prison and sent for me. He told me he had an order for my release but that I could be re-arrested at any time and that one of the conditions, I was released on was to report daily at the Station House. I refused to leave with any conditions as I would be discharged as an innocent and a free man or I would stay there till tried. After a long argument I was released at half past six that evening without trial and without any conditions being imposed on me.

(Signed)

E. B. THOMAS.

Mr. Hatch to Mr. Hawes.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, H. I., August 28th, 1895.

SIR:—I have the honor to acknowledge the receipt of your despatch of August 26th informing me that Her Majesty's Government have had under their consideration, in communication with the law officers of the Crown the proceedings of the Hawaiian Government against British subjects for complicity in the recent rising in cases where the persons in question have suffered arrest and detention under the powers conferred on the Executive by the proclamation of Martial Law without having been brought to trial and enclosing extracts from sworn statements made on the subject by

James Brown,
Lewis J. Levey,
M. C. Bailey,
F. H. Redward,
Thomas W. Rawlins,
Arthur McDowall,
F. Harrison,
C. W. Ashford,

G. Carson Kenyon,
Edward B. Thomas,
and informing me of the desire of Her Majesty's Government to be acquainted with the contention of the Hawaiian Government, as to the cause of the arrest in these instances and the reported vigorous treatment, and generally as to the rights and wrongs of the proceedings.

I have the honor to inform you, that the matter will receive the immediate attention of this Government, and a detailed statement in regard to the above named cases will be made to you at the earliest practicable moment.

In regard to James Brown, I desire to state to you, at this time, that I am informed by the Attorney-General, that this James Brown was born in Honolulu where he has resided all his life excepting such time as he was in California in 1895, that his father Edward Brown was domiciled in this country where he carried on business to the time of his death; that James Brown has never lived in, or visited any British territory, that he has accepted the privileges of Hawaiian citizenship by registering and voting as such. Under these circumstances jurisdiction over him must be claimed by this government. I beg to inquire if the above facts are admitted by Brown, or if evidence is desired upon them.

At your request, a short time since I caused the records of naturalization to be examined to ascertain if Jas. Brown's name appeared there. No record was found as I informed you. The fact of Hawaiian birth was not within the knowledge of this office at that time, and has since been ascertained by report from the Attorney-General's Department.

For your information and as throwing some light upon the position which James Brown should be held to occupy in this matter, I enclose a copy of letter addressed by him to this Department requesting permission to return to Hawaii and on which his return was allowed.

I have the honor, etc.

FRANCIS M. HATCH.

[Enclosure.]

San Francisco, Cal., April 1st, 1895.

TO HIS EXCELLENCY FRANCIS M. HATCH,
Minister of Foreign Affairs,
Honolulu, H. I.

DEAR SIR:—Possibly enough time has not yet elapsed to allow of my return to Honolulu, but after several interviews with Consul Wilder and M. Kinney, and upon their sug-

gestions I have decided to ask Your Excellency for permission to return home.

My past record or behaviour is the cause of my present position, my past associates I now fully realize has caused me to be classed as one opposed to the present government, if such be the case I can only say that I am exceedingly sorry for my past actions, but if allowed to return home I can assure you that henceforth my behaviour shall be that not even suspicion can be held out against me. I am ready and willing to take the oath upon my return, and will at all times oppose any faction or party that tends to threaten the peace of the community. I have now been away from Honolulu five weeks, during which time I have had ample opportunity to realize that my present condition has been brought about by my own shiftless conduct. I hold no ill feeling against the present government whatever for their treatment towards me, but on the other hand I feel that by their acts they have taught me a lesson which I trust will make me a better man.

I am virtually without means, with no prospects in view. I have only been here four weeks, but it is long enough for me to realize that I have in the past made a fool of myself. I can now only ask that my past record be blotted out and that I may have the opportunity to redeem myself. Trusting that you will see your way clear to allow me to return by the return "Australia" and again assuring you of my desire to redeem myself. I beg to remain,

Yours most respectfully,

(Sig.)

JAMES BROWN.

Mr. Hawes to Mr. Hatch.

BRITISH CONSULATE GENERAL,
Honolulu, August 30th, 1895.

SIR:—I have the honor to acknowledge the receipt of your despatch of the 28th instant and in reply have the honor to state that I am unable on my own authority to accept the claim made by your government to "jurisdiction" over James Brown if I am to understand by that term that you claim him to be a Hawaiian citizen.

My instructions on the question of children born abroad of British subjects are very clear. Those children are entitled to claim British nationality.

They may however at the age of 21 years make a declaration of alienage and from and after the making of such declaration they cease to be British subjects.

With some countries special agreements have been made;

in French territory, for example, a child born of British parents is bound at the age of 21 years to decide whether he will take his British nationality, and failing to do so irrevocably becomes a French citizen, but as far as I am aware no agreement has been entered into between the British and Hawaiian Governments on this particular point of nationality, and I shall therefore refer the matter to my government for their decision.

The particulars stated in your despatch in regard to the birth, residence here, etc., of James Brown, and of his having registered and voted are all admitted by him.

With regard to the letter addressed to the Foreign Department of your government by James Brown, copy of which you enclosed, have the honor to state that it appears to me to be a clear admission of guilt on his part.

I shall report the matter to my government, and in the meantime I beg you will consider his name removed from the list I forwarded to you on the 26th instant.

I have, etc.

A. G. S. HAWES.

Mr. Hawes to Mr. Hatch.

BRITISH CONSULATE GENERAL,
Honolulu, September 9th, 1895.

SIR:—With reference to my despatch to you of the 26th of August last expressing the desire of Her Majesty's Government to be acquainted with the contention of the Hawaiian Government as to the cause of arrest and reported vigorous treatment shown to certain British subjects who suffered arrest and detention in prison without having been brought to trial during the recent of Martial law I have the honor to enclose an extract from a sworn statement made by W. F. Reynolds, a British subject, and to ask you to be pleased to add his name to the list of those already sent for the consideration of your government.

I have, etc.

A. G. S. HAWES.

[Enclosure.]

Honolulu, June 28th, 1895.

TO A. G. S. HAWES, ESQ.,

Her Britannic Majesty's Commissioner and Consul-General.

SIR:—I beg to lay before you the following statement:

On Thursday, the 17th of January, however, immediately

after lunch at 1:15 P. M. the Deputy Marshal entered my store and walking to my office said, "Mr. Reynolds, I am instructed by the Marshal to arrest you for treason." I replied interrogatively "For treason!" and he said, "Yes," I asked for a few minutes' time to arrange with my clerks and was taken to the Police Station where I was searched like a common felon, and with the remark "Go below," I was in jail. There I remained without warrant and without specification of charges for six weeks less one day. My release was equally as peculiar as my arrest; the Marshal merely came to the jail on Wednesday, the 27th of February, and calling me to the office, remarked, "Mr. Reynolds, I am instructed to give you your liberty, but be guarded in your speech as excitement still prevails."

My incarceration was simply atrocious, after I was searched, I was sent into an enclosed yard where I remained until night, when I was locked up in a cell with common drunks, Chinese, Portuguese and Japanese; on protesting against such an indignity I was later removed to more comfortable (?) quarters. For four weeks I remained in the Station House, and during the last two weeks I slept between two men who were furnishing information to the government against persons who had been arrested without sufficient evidence to convict.

After this I was sent to the "reef," as the jail is called, for two weeks. There I was locked in a cell five by eight feet for fourteen consecutive hours, with, for a companion during the night, a pail which was my urinal and closet. Out of twenty-four hours, twenty were solitary confinement with no one to speak to during my imprisonment. All my private and business correspondence was opened by persons who, though holding official positions yet were more or less competitors against me in business, which in itself was a shameful and unwarrantable invasion of my private rights.

On one occasion, after being confined for some three weeks, I saw the Judge Advocate of the Military Commission and asked him when I should be brought to trial as it was an outrage to keep me there away from my business at great loss to myself, when I knew that it was next to impossible to find one scintilla of evidence against me. For satisfaction I was informed that they were doing the best they could.

I have not been guilty of any one act that could be, by the widest stretch of imagination, considered treasonable.

I remain, etc.

(Signed)

W. F. REYNOLDS.

Signed and sworn to at the British Vice-Consulate Honolulu, this 28th day of June, A. D. 1895, before me.

(Signed)

THOMAS RAIN WALKER.

Mr. Hatch to Mr. Hawes.

DEPARTMENT OF FOREIGN AFFAIRS,
November 4th, 5.

SIR:—In further reply to your despatch of August 26th ult, informing me of the desire of Her Majesty's Government to be made acquainted with the contention of the Hawaiian Government as to the cause of arrest and reported vigorous treatment of certain British subjects and generally as to the rights and wrongs of the proceedings taken in connection therewith, I have the honor to lay before you the following affidavits:

In the case of F. W. Harrison:

Affidavit of E. G. Hitchcock with exhibits A, B, C, D, E.
 " " J. A. Low,
 " " W. A. Kinney with exhibit F.

In the case of E. B. Thomas:

Affidavit of Capt. Kaai,
 " " J. L. Osmer,
 " " B. Fennermann,
 " " William Hicky,
 " " Charles F. Day,
 " " Wm. Davis,
 " " A. D. McEvoy,
 " " Thomas Black,
 " " F. J. Macdonald,
 " " Peter Higgins,
 " " M. Davis,
 " " E. G. Hitchcock,
 " " A. M. Brown,
 " " James A. Low.

In the case of Arthur McDowall:

Affidavit of E. G. Hitchcock with exhibits A, B, C, D.
 " " W. A. Kinney,
 " " Thomas Black,
 " " James Donnelly,
 " " A. D. McEvoy,
 " " W. H. Smith,

and further affidavit of W. A. Kinney with exhibits A, B, C.

In the case of C. W. Ashford:

Affidavit of E. G. Hitchcock with exhibit A,
 " " James A. Low,
 " " M. M. Scott,
 " " W. A. Kinney with exhibits A, B, C, D, E,

F, G.

In the case of F. H. Redward:

Affidavit of E. G. Hitchcock,

“ “ W. A. Kinney with exhibits A, B, C, D, E.

“ “ Thomas Black,

“ “ A. D. McEvoy,

“ “ James Carty.

In the case of W. F. Reynolds:

Affidavit of W. A. Kinney with exhibits A, B, C, D, E, F.

In the case of T. W. Rawlins:

Affidavit of E. G. Hitchcock,

“ “ W. A. Kinney,

“ “ James A. Low.

In the case of G. Carson Kenyon:

Affidavit of E. G. Hitchcock,

“ “ James A. Low,

“ “ J. G. M. Sheldon,

“ “ W. L. Wilcox,

“ “ W. A. Kinney.

In the case of L. J. Levey:

Affidavit of E. G. Hitchcock,

“ “ W. A. Kinney with exhibit A,

“ “ W. Davis,

“ “ J. McLain,

“ “ J. A. Low.

In the case of M. C. Bailey:

Affidavit of W. A. Kinney,

“ “ E. G. Hitchcock,

“ “ James A. Low.

To be able to form a just conclusion as to the “rights and wrongs” of the proceedings in question it is necessary to view the situation of this community at and immediately proceeding the outbreak of January last.

During all of the previous year, persistent attempts had been made by a class of foreigners domiciled here to excite among native Hawaiians feelings of race prejudice and animosity and to urge them on to acts of lawlessness and violence. Both in certain newspapers and in open conversation upon the streets the attacks made upon the Government were bitter and persistent. The whole tendency was toward insurrection. A conspiracy to overturn the Government was formed. Arms were introduced from abroad and secretly landed. And finally in January last the plot culminated in open rebellion. The extent of the conspiracy was unknown. At the time the occasion appeared critical in the extreme.

The danger that the unorganized and undisciplined mob in the field might be joined by such a mob in the town as a somewhat cosmopolitan seaport affords was not fanciful. Subsequent developments proved that exactly that plan was under contemplation and a quantity of revolvers had been illicitly introduced into the country and circulated among that class, it being considered that revolvers were the most effectual weapons a mob could be armed with.

If the plan had succeeded, no man can say what the limit of the excesses would have been. The question presented was not one of politics, but a much more serious one of protecting life and property. It happened that no national vessel of any power was in port at the time which could serve as a place of refuge for the unprotected.

Under such circumstances this Government claimed and now claims the most unqualified right to take such measures as at the time might seem necessary to preserve the peace. Whatever may be the outcome of the recent political developments in this archipelago, it was the determination of the committee of citizens who assumed the government at a period of anarchy that public order should be maintained at any cost. In this effort the government confidently expects the sympathy and if necessary the assistance of the great powers whose interests are represented here by so many citizens and by so much property.

The insurrection passed beyond the power of the civil authorities to control. Martial law was declared, and was in force during the whole period of the detention of the complainants. The following extract from the decision of the Supreme Court of this country in a case entitled "In the matter of Jonah C. Kalaniana'ole, Petition for writ of Habeas Corpus," May Term, 1895, clearly shows the condition of the country during the period in question.

"On the evening of the 6th of January last an insurrection "broke out in the suburbs of Honolulu, the object of which "was the overthrow of the Republic and the restoration of the "Monarchy. The full extent of the conspiracy is unknown, "but it was carefully planned and was evidently deemed by "its leaders to be sufficient in numbers and equipment for the "successful accomplishment of its purposes. Its numbers undoubtedly ran into hundreds and included the ex-Queen and "other prominent persons of various nationalities. The equipment consisted chiefly of 288 rifles and 30 revolvers, imported "secretly from San Francisco, besides bombs manufactured "and firearms collected here. The community was at once "thrown into great uncertainty and excitement. Ordinary "business ceased, the courts were closed. In addition to the "regular and volunteer forces, nearly all of the more prominent "residents were engaged in active military and police service

"as Citizens' Guards, day and night. Engagements took place "between the Government forces and the insurgents on Sunday, the 6th, and on Monday and Wednesday following, mostly at long range, and with but little loss, the wounded numbering five, and the killed three, one of whom was shot by "mistake. On the 14th, the eighth day after the outbreak, the "principal leaders were captured, and on the 17th, the eleventh "day after the outbreak, the last of the leaders was taken; "some subordinates were not captured until later still. In "the course of a week or so after the uprising, residents not "engaged in the regular forces returned to their various ordinary pursuits. The courts, however, were not so soon restored to the unobstructed exercise of their jurisdiction. The "Circuit Court of the First Circuit, for instance, which is the "court of general original jurisdiction for the Island of Oahu, "and in which cases of treason and misprison of treason arising on this Island would ordinarily be tried, did little business of any kind and held no trials (indeed, no jury was summoned), as it would, but for the insurrection, have done at the "regular term which by law should have been held during the "four weeks beginning February 4th and ending March 2nd. "On the morning after the outbreak, the 7th of January, the "President, by proclamation, suspended the privilege of the "writ of habeas corpus and placed the Island of Oahu under "Martial law, to continue until further notice, during which "time, however, the courts were to conduct ordinary business "as usual, except as aforesaid. The petitioner was arrested "on the 8th of January. On the 16th, by a special order of the "President as Commander-in-chief, a Military Commission was "ordered to meet on the 17th and thereafter from day to day "for the trial of such prisoners as might be brought before "it on charges and specifications to be presented by the Judge "Advocate. Nearly two hundred prisoners were tried by this "Commission on charges of treason and misprison of treason. " * * * * The Commission practically completed its "labor in the early part of March, and on the 18th, by proclamation of the President, the privilege of the writ of habeas "corpus was restored and Martial law terminated."

The matter of inquiry divides itself into three branches:

A—The arrest,

B—The detention,

C—The treatment,

D—The stipulation to leave the country.

A—THE ARREST.

The copies of affidavits filed herewith show, I submit, that the Marshal, then acting as a Provost Marshal, had not only reasonable and probable cause to make the arrests, but that the grounds for belief that these men were engaged in the

conspiracy, were so strong it would have been a gross breach of duty on his part to have left them at large. It must be kept in view that at the time of these arrests the extent of the conspiracy was not at all defined; nor to this day has it been fully ascertained. In no case was the arrest without cause or without some distinct information laid before the Marshal. The right however to arrest on suspicion of felony cannot be questioned. Even at common law and under peace conditions such an arrest would be fully justified. The Marshal acted on three sources of information, all of which were combined in many of the cases:

1. Reports of special officers,
2. The public declarations and acts of the parties,
3. His own knowledge.

Without discussing in detail the testimony submitted, parts of which are the original statements made at the time to the Marshal which have been offered without revision; it may be pointed out that the evidence was of such a nature as to cause the Marshal to believe it; and that he did believe it and acted in the utmost good faith in the whole proceeding cannot be questioned.

Another observation that may be made is, that the persons in question have no just cause of complaint that the Marshal took them at their word. For more than a year these men had been talking sedition in the most open manner. The unrestrained license of attack indulged in by them is something to which no government is bound to submit. It is not tolerated in other countries. It is not a thing which an alien can indulge in, as a matter of right, with impunity, relying upon the interference of his own government to protect him if called to account. The utterances at the public meeting on April 9th, 1894, called to arouse feeling against the proposed Constitution Convention all tended toward insurrection. This was understood and designed by the speakers. The intent was to inflame the minds of the native Hawaiians to play upon their prejudices and passions and to prevent any concessions from being accepted by them. Without questioning the right of freedom of speech and of opinion it is submitted that persons who endeavor to keep a community in a state of turmoil by such an abuse of their liberty, do so at their peril. They have no just cause of complaint if when their agitation bears fruit in open insurrection they are placed where they can do no harm and are held for investigation. Upon the facts as appearing from the affidavits herewith it is contended:

I.

- (1.) That the arrests were justifiable on common law principles, even though complainants were innocent.
- (2.) That the question of reasonable or probable cause for

the arrests is not dependent upon the fact of guilt.

(3.) That no presumption of want of probable cause arises from the discharge without trial.

II.

(1.) During Martial law greater powers of necessity must be conceded to a government than in time of peace.

(2.) The rights of individuals must yield to the obligation of a government to protect the lives and property of persons under its protection.

III.

By recognized principles of international law complainants are not at this time as a matter of right entitled to Diplomatic intervention.

(1.) In consequence of their Hawaiian domicil.

(2.) Not having exhausted their remedy before Hawaiian courts.

(3.) In consequence of participation in seditious and treasonable acts.

I.

That the arrests were justifiable on common law principles even though complainants were innocent.

A man arrested without a warrant on suspicion of felony may be held.

"At least till he can be brought before some Justice of the Peace." 1 Hale P. C. 587.

"Until inquiry can be made by the proper authorities." Beckwith v. Rilby, 6 B. & C. 635.

"Until he can be brought before a Justice of the Peace, and have his conduct investigated." Addison on Torts 152.

"Only for as long a time as is reasonably required by the prosecuting attorney to prepare the case of the State for trial." Tiedeman Limitation Police Power 86, see also Davis v. Cappa, 10 B. & C. 28.

"If treason or felony be done and one hath just cause of suspicion, this is a good cause and warrant in law for him to arrest any man, and he must show in certainty the cause of his suspicion and whether the suspicion shall be just or law-ful shall be determined by the Justices in an action for false imprisonment brought by the party grieved or upon a Habeas Corpus." Coke 2 Inst. 52.

"A constable having reasonable grounds to suspect that a felony has been committed is authorized to detain the party suspected until enquiry can be made by the proper authorities." Beckwith v. Shilby, 6 B. & C. 638.

As to how far information received from another reasonable

and probable cause, see: *Lister v. Perryman*, 4 H. L. (Eng. & Ir. Appeals, 521).

Reasonable time under exceptional circumstances may be a matter of weeks and months. See *Johnston v. Sutton*, 1 Term Rep. 493 and 510; *Wiggins v. Naughton*, 83 Ga. 148, 9 S. E. Rep. 607.

(2.) *That the question of reasonable or probable cause for the arrest is not dependent upon the fact of guilt.*

"Probable cause is such a state of facts in the mind of the prosecutor as would lead a man of ordinary caution and prudence to believe or entertain an honest and strong suspicion that the person who is arrested is guilty." *Phillip v. Waller*, 5 Hawaiian R. 610; *Beckwith v. Philby*, 6 B. & C. 635.

(3.) *That no presumption of want of probable cause arises from the discharge without trial.*

"The abandoning of a prosecution may arise from the most honorable motives, and the nicest sense of justice, instead of necessarily proving that the prosecution was wantonly and maliciously instituted; and the facts which justified the prosecutors conduct may be known only to himself." Lord Ellenborough in *Purcell v. M'Namard*, 1 Comp. 199, 203.

"In the following term Gurney moved to set aside the non-suit but the court were unanimously of opinion that it was incumbent upon the plaintiff to give evidence of the want of probable cause, observing that if they were to hold that the mere circumstances of the defendant's non-appearance at the trial was sufficient it must follow that every person who institutes a prosecution and sees reason to drop it, is prima facie a malicious prosecution." *Purcell v. Mitamura*, 1 Comp. 205.

II.

(1.) *During Martial law greater powers of necessity must be conceded to a government than in time of peace.*

Martial law in this instance was legally proclaimed under the Constitution and Laws of Hawaii. In re *Jonah C. Kalani-anaole*, Supreme Court, Hawaii, May Term, 1895.

"There are sometimes circumstances which in themselves are a command of arrest as imperative as could be any command by official authority. These cases in general are plain and rest upon the inherent right of society to defend itself against sudden assaults, not by regular proceedings merely, but in emergencies by the spontaneous action of its numbers." *Cooley on Torts* 174.

Earl Russel in a debate in the House of Lords apropos of the civil war in the United States said:

"In such circumstances as these it is usual for all governments to imprison upon suspicion persons who they consider are taking part in the war against them."

In *Phillips vs. Eyre*, 6 L. R., Queen's Bench Cases, page 16, the court say:

"To act under such circumstances within the precise limit of the law of ordinary peace is a difficult and may be an impossible task, and to hesitate or temporize may entail disastrous consequences. Whether the proper, as distinguished from the legal course, has been pursued by the Governor in so great a crisis, it is not within the province of a court of law to pronounce. * * * * * It is manifest, however, that there may be occasions in which the necessity of the case demands prompt and speedy action for the maintenance of law and order at whatever risk, and where the Governor may be compelled, unless he shrinks from the discharge of paramount duty to exercise *de facto* powers which the legislature would assuredly have confided to him if the emergency could have been foreseen, trusting that whatever he has honestly done for the safety of the state will be ratified by an act of indemnity and oblivion.

"There may not be time to appeal to the legislature for special powers. The Governor may have upon his own responsibility * * * * * to arm loyal subjects, to seize or secure arms * * * * * to detain suspected persons and meet force by armed force in the open field. If he hesitates the opportunity may be lost of checking the first outbreak of insurrection * * * * * In resorting to strong measures he may have saved life and property out of all proportion to the mistakes he may honestly commit under information which turns out to have been erroneous or treacherous. The very efficiency of his measures may diminish the estimate of the danger with which he had to cope and the danger once passed every measure he has adopted may be challenged as violent and oppressive and he and everyone who acted under his authority may be called upon in actions at the suit of individuals dissatisfied with his conduct to establish the necessity or regularity of every act in detail by evidence which it may be against public policy to disclose
* * * * *

(2.) *The rights of individuals must yield to the obligation of a government to protect the lives and property of persons under its protection.*

"In a state of war civil rights and remedies are extinguished or suspended so far as necessary or proper to accomplish the purpose of military rule which is the restoration of the normal state of peace. What may be necessary or proper in any particular case is determined by usage or the common law of war." In the matter of *Jonah C. Kalaniana'ole*, Supreme Court of the Hawaiian Islands, May Term, 1895.

"The mere temporary arrest and detention of a citizen of the United States in France, during the Franco-German war

"of 1871, does not of itself, give ground for a claim against the French Government unless it be shown that the arrest was without excuse or probable cause. Citizens of the United States in common with other foreigners who were unfortunate enough to be residents of France during the period to which Mr. H.'s memorial refers, were rendered liable to certain inconveniences which seem to have been unavoidable under the circumstances, and are inseparable from a condition of war such as France was then in." Mr. Fish, Sec. of State to Mr. Washburne Oct. 19, 1872, Mss. Inst. France; Wharton Int. Dig. II., p. 578.

By recognized principles of international law complainants are not at this time as a matter of right entitled to Diplomatic intervention.

(1.) *In consequence of their Hawaiian domicil.*

"The distinction between domiciled persons and visitors in or passengers through a foreign country is never to be lost sight of; because it must affect the application of the rule of law which empowers a nation to enforce the claims of its subjects in a foreign State. The foreign domicil does not indeed take away this power; but it renders the invocation of it less reasonable, and the execution of it more difficult. * * * * He cannot therefore expect that every complaint, which he may be disposed to urge on his native government, with respect to these matters, will of necessity be considered as requiring national interposition." 2 Phillmore, Int. Law, 6.

"It is essential to the independence of nations, and to the public peace, that there should be some limit to the right and duty of a government to interfere in behalf of persons born or naturalized within its jurisdiction, who, on proceeding to a foreign country, and being domiciliated there, may receive injuries from the authorities thereof, by the general law as well as by the decisions of the most enlightened judges both in England and in this country, a neutral engaged in business in an enemy's country during war, is regarded as a citizen or subject of that country and his property, captured on the high seas, is liable to condemnation as lawful prize. No sufficient reason is perceived why the same rule should not hold good in time of peace, also, as to the protection due to the property and persons of citizens or subjects of a country domiciled abroad."

Mr. Marcy, Sec. of State, to Mr. Clay, May 24th, 1855, Mss. Inst. Peru. (Wharton, Int. Dig. 11, 447.)

"The general rule of the public law is that every person of full age has a right to change his domicil, and it follows that when he removes to another place, with an intention to make that place his permanent residence for an indefinite period.

"it becomes instantly his place of domicil; and this is so, notwithstanding he may entertain a floating intention of returning to his original residence or citizenship at some future period. The Supreme Court of the United States has decided "That a person who removes to a foreign country, settles himself there, and engages in the trade of the country, furnishes "by these acts such evidences of an intention permanently "to reside in that country, as to stamp him with its national "character;" and this undoubtedly is in full accordance with "the sentiments of the most eminent writers, as well as with "those of other high judicial tribunals on the subject."

Report of Mr. Webster, Sec. of State, to the President, Dec. 23, 1851, 6 Webster's Work, 522, 523, (Thrasher's case.)

(2.) *Not having exhausted his remedy before Hawaiian Tribunals.*

"The case in which this Government assumes to interfere in "behalf of one of our citizens, where redress may ordinarily "be had in the courts of the country in which he claims to have "been wronged, is that of a denial to him by those courts of "the usual means of redress. For the present, therefore, Mr. "Davis, who has never resorted to the Court of Great Britain, "must be remitted so far as recovery of pecuniary indemnification from the authors of the trespass is concerned, to the "usual remedies, to which persons in his situation are by the "laws of Great Britain entitled." Mr. Bayard let. (Wharton Int. Dig 11, 438.)

"When Diplomatic intervention is asked to press payment "for an injury sustained by a foreigner in this country, it is "first considered whether the party complaining has duly pursued the ordinary remedies provided by the laws, as was incumbent on him, before he would be entitled to appeal to the "nation and if he has, whether that degree of gross and palpable negligence has been done by the national tribunals which "would render the nation itself responsible for their conduct."

Mr. Jefferson, Sec. of State, to the Att'y Gen. Mar. 13, 1793, Mss. Dorn. Let. (2 Wharton Int. Dig. 675.)

This course was followed in the matter of the claim of the owners of the British Ship "Madras" against the Hawaiian Government. It is respectfully suggested that there is more reason why these claimants should be remitted to the same Court which settled the "Madras" case in consequence of their Hawaiian domicil. The owners of the "Madras" not only were not domiciled in Hawaii but had never been here.

3. *In consequence of participation in seditious and treasonable acts.*

"Lord Castlereagh distinctly said that the grounds on which

"these two subjects (Arbuthnot and Ambrister) had been considered by the Cabinet as having forfeited the rights of protection from their Government were, that they had identified themselves, in part at least, with the Indians, by going among them with other purposes than those of innocent trade; by sharing their sympathies too actively when they were on the eve of hostilities with the United States; by feeding their complaints, by imparting to them counsel; by heightening their resentments, and thus at all events increasing the predispositions which they found existing to the war, if they did not originally provoke it."

Mr. Rush, Minister at London, to Mr. Adams, Sec. of State, Jan. 25th, 1819, Mss. Despatches, Gr. Brit.

"Such is understood to have been the course pursued by the United States during the late civil war. In September, 1862, the British Charge d'Affairs at Washington requested the discharge of one Francis Carroll, a British subject, who had been arrested by the military authorities in Baltimore. Mr. Seward refused the request, and in a note to Mr. Stuart said:

"Is the Government of the United States to be expected to put down treason in arms and yet leave persons on liberty who are capable of spreading sedition? * * * * * Certainly the Government could not expect to maintain itself if it allowed such mischievous license to American citizens. Can the case be different when the dangerous person is a foreigner living under the protection of this Government."

Dip. Corr. 1862, p. 228. (Wharton Int. Dig. 11, 452. Mr. Freylinghuysen, Sec. of State, to Mr. Loyell, Apr. 25, 1882, Mss. Inst. Gr. Brit. For. Rel. 1882.

B—THE DETENTION.

The affidavit of the Judge Advocate shows that the greatest diligence was used in the preparation and prosecution of the cases presented to the Military Commission. I may point out that the Commission was presided over by a Judge of the Circuit Court who resigned and was given a Military appointment for the sole purpose, ensuring a trial according to legal principles. In all 190 cases were tried and some thousand were investigated. The investigations were made after hours and in the night after the Commission adjourned for the day. As the investigations proceeded, so much of the plot developed that it became clear to the prosecuting officers that it would be a breach of duty to discharge any of the accused until the cases were completed and all sources of evidence exhausted. There is absolutely nothing on which to base a charge that one of these men was detained for the purpose of punishment or for any ulterior, or other object than to prepare the case and to proceed with it in due order. No discrimination was used in the selection of cases for trial. They were presented as soon

as prepared. It undoubtedly was a misfortune as far as these men were concerned that the Writ of Habeus Corpus was suspended at the time they were under arrest. This was an inconvenience suffered by them in common with the rest of the community, differing only in degree. The solution of the question how long the necessity existed for the continuance of Martial law was a matter solely for the determination of the Executive. The action of the Executive in the premises cannot be made the subject of a personal grievance.

"And it is obvious that by the same reasoning the President "is the sole judge of the time during which Martial law shall "continue as well as of the necessity for proclaiming it in the "first instance."

In the matter of Jonah C. Kalaniana'ole, Supreme Court, Hawaii, May Term, 1895, Pamphlet p. 194.

"The right to suspend the Writ of Habeus Corpus is one of "municipal law to be declared to foreign Governments by the "President through the Department of State; and it is not "competent for foreign Governments to question the accuracy "of such declaration."

Mr. Seward to Lord Lyons, Oct. 14th, 1861. 2 Wharton, Int. Dig. 650, sec. 230, a.

If committed for trial at the next quarterly term of the Circuit Court the claimants would have been detained in confinement a much longer period than they in fact were. By Act of June 2nd, 1893, they were not entitled to be admitted to bail without the consent of the Attorney-General even in time of peace. That Statute provided that offences of a seditious nature should not be bailable.

C—THE TREATMENT.

In the cases of the men whose cases are still pending, save Dunwell, no sort of harsh or vigorous treatment was adopted. Such force as was necessary was used to make the arrests. From that moment until the discharge the men were treated with all of the consideration possible under the circumstances.

The Oahu Prison is conducted on humane principles. The acts of the Jailor are subject to the control of a Board of Prison Inspectors who are not otherwise connected with the Government and serve without pay. The Prison is frequently visited by Diplomatic representatives in Honolulu, and the Government at all times invites the closest scrutiny of the institution and the methods pursued there. Dunwell's case was exceptional and has been fully explained.

D—THE STIPULATION TO LEAVE THE COUNTRY.

Messrs. Levey, Bailey, Redward, McDowell, Harrison and C. W. Ashford were released from arrest on their undertaking to

leave the country. They chose to do this rather than stand trial. The stipulation was in the following words:

"Whereas, I, am now held in confinement for "complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said government shall in its clemency consent to such expatriation, now therefore I, the said, in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in no wise withdrawn nor in any sense discontinued), do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S., leaving Honolulu for, on A. D. 1895, and will not return during my lifetime without the written consent of the Minister of Foreign Affairs, or other officer having charge of said Department, approved by the Marshal.
"Witness my hand this day of, 1895."

This stipulation clearly amounts to an admission of some degree of guilt and in conclusion on the question of probable cause. It was so understood by claimants. They all had opportunity to consult with you, Sir, and with counsel. In at least one instance the opinion was plainly expressed by you in the presence of officers of this Government that signing the stipulation amounted to such admission.

No valid ground has been suggested why these stipulations should not stand. It is not claimed that they were obtained by fraud or compulsion. In the absence of such showing the stipulation must stand. The fact that these men were all released and given time varying from four to twenty days without any restraint to settle their affairs, during which period they had ample time for reflection and for consultation, and the further fact that they all carried out the terms of the stipulation without any compulsion from the Government, conclusively settle the character of the transaction, and put it beyond the power of these men to now attack the good faith of the proceeding.

In this connection reference may be made to the case of W. P. Kapu, an Hawaiian citizen formerly a missionary in the service of the Hawaiian Board of Missions who was deported from the Gilbert Islands by the Captain of Her Majesty's Ship "Royalist" in 1892.

In November of that year the matter was referred to Her Majesty's Government by the Hawaiian Government and a claim for reparation made. No response having been received, the matter was again called to the attention of your Government on July 25th, 1893. The only reply received was a verbal statement by Her Majesty's late Minister at Honolulu in

1894, to the effect that his Government had made inquiry into the matter and acknowledged no liability. That Kapu was found to be a "mischievous fellow" and was sent away.

The ruling made in Kapu's case seems to have a direct bearing in the matters under consideration; this similarity exists: that the action in both instances was taken by military commanders in times of local disturbance.

The distinction in favor of this Government however is obvious; no sort of compulsion was used by this Government in the cases in question. The opportunity merely was given to depart, which was accepted.

I submit therefore that sufficient has been produced to make a *prima facie* showing of reasonable and probable cause to make the arrests and hold in detention the persons above named. The showing is not exhaustive. On a trial much more could doubtless be produced. It is fair to point however, that in the cases of those who left the country no further investigation was made after the stipulations were signed, and witnesses whose evidence would have been available were allowed to depart.

In expressing the hope that the investigation made in these cases will prove satisfactory to your Government, I take the opportunity to renew the assurances of the distinguished consideration with which

I have the honor to be sir,

Your most obedient servant,

FRANCIS M. HATCH,

Minister of Foreign Affairs.

AFFIDAVITS.

In the matter of the claims of F. W. Harrison, Affidavit of Ex-marshal E. G. Hitchcock.

Hawaiian Islands }
Island of Oahu, } s.s.

E. G. Hitchcock being duly sworn, deposes and says: I know F. W. Harrison. He has resided in Honolulu for many years, being a permanent resident thereof until he left the country. He has been an active participant in local politics for some years, and was particularly friendly with Charles B. Wilson, the ex-queen's late Marshal and personal confidant. After the overthrow of the queen, the claimant took sides against the Government. He can not be said to have remained active in politics after the overthrow, for his position in common with other "Royalists," as they were known, consisted of simply refusing in every way possible to recognize the validity and even the existence of the Government, and in advo-

cating the restoration of the queen. There was no room for such views in the legitimate politics of the country, and he put himself outside the pale of politics from the start. After the foreign powers, including Great Britain, had recognized the Republic, and all hopes of restoration except by revolt had ceased, Mr. Harrison did not change his position, but still advocated restoration of the queen as openly as ever, predicted her speedy restoration, used threatening language towards the Government and Government supporters, and openly resisted recognizing the Government as strenuously as he had before the new Government had been recognized by his own country; he advised and counselled others to hold out against the Government, and expressed to the natives his sympathy with them, telling them, that the Government was an unjust and illegal one and could not and should not last, etc. The royalist party thereafter became of necessity a revolutionary party. It stood avowedly for the restoration of the queen, a revolutionary proposition; it refused to register or vote or otherwise avail itself of any political privileges under the new Government, which involved an acceptance and recognition of the same. It offered no peaceful solution but simply predicted the speedy destruction of the Government in such language, and with such significance as to leave but one impression, to wit, that revolution was to accomplish their purposes. Such expressions as these: "You will see shortly;" "I know what I am talking about;" "You remember what I now say;" "We are nearly ready for you;" and the like were repeatedly used by Mr. Harrison and his political associates in connection with their prophecy that the Government would be speedily overthrown. Their sentiments were as well known in this country as the political sentiments of O'Donovan Rossa are known in Great Britain, or Herr Most in the United States. Mr. Harrison and his remarks have been reported to me dozens of times since I have been Marshal, and since the recognition of this Government by Great Britain took place; it would be impossible for me to name the persons or the times or the exact language reported, but in substance the remarks were as above stated. Mr. Harrison's associates were almost exclusively royalists. He was often, when under the influence of liquor, very foul in his abuse of the Government and of the supporters of the Government and no citizen, to the manner born, could have exercised more liberties in a political way than did Mr. Harrison. Some of Mr. Harrison's intimate friends were leaders in the uprising on January 6th. He was very intimate with Henry Bertlemann, who was Nowlein's right hand man, and the one who did a great deal of the planning and selecting of men to take part in the uprising. Thomas Walker, another very intimate friend and associate of Harrison, was by his own confession to be the leader of some

sixty men set apart to take the Police Station of the city of Honolulu in the uprising in question, and it was he who made bombs to be used in the uprising, and otherwise took part prominently therein. Mr. Harrison was known to be in frequent, secret conference with Messrs. Rickard and Gulick, at Gulick's office on Merchant Street, in Honolulu, two men out of the four who planned and originated the entire uprising and secured the arms from San Francisco. He was also frequently at gatherings and private conferences of Royalists in L. J. Levey's auction rooms. Moreover, the friendship between Mr. Harrison and many of those who took part in the said uprising grew up by reason of their mutual political sympathies, and was not known to have existed prior to the overthrow of the ex-queen. On the afternoon of January 6th, when I had reason to believe from information received, that a large amount of firearms had been landed at Bertlemann's residence at Waikiki, and when I sent out the police to search Bertlemann's home, it was Mr. Harrison who slipped into Mr. Bertlemann's premises and informed him that the police were outside watching. (See Affidavits of A. M. Brown, R. W. Parker, H. F. Bertlemann and A. L. C. Atkinson, marked Exhibits A., B., C., and D.) I arrested Mr. Harrison for conspiracy, Wednesday, January 9th; his conduct on the afternoon and evening of the 6th of January, alone justifying such a course in my opinion, and upon his arrival at the police station the usual entry was made in the usual record. I see that Harrison says in his complaint to the British Government that he, Harrison, was informed at the police station that no charge was entered against him, but does not state who it was that said so. I certainly did not say so, or authorize any one else so to do. I attach hereto the affidavit of Jailor Low as to the treatment of Mr. Harrison while in his charge. Upon the 13th day of February, A. D. 1895, Harrison voluntarily and after full and due consideration, and after consultation with his relatives and counsel and with full opportunity to communicate with the British Minister, as he well knew, signed an agreement to leave the country, a copy of which is hereto attached and marked Exhibit E. It is absolutely false that there was any change made in the form of the agreement while it was being considered by Mr. Harrison, or at any other time. There was but one form used in all the cases. The name of the prisoner, the date of sailing being left in blank and was filled in according to the circumstances of each case. After Mr. Harrison's arrest the authority and control over his case passed into the hands of the military authorities.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Exhibit "A."

In the matter of the claim of F. W. Harrison. Affidavit of A. M. Brown

Honolulu, Oahu, ss.

A. M. Brown, being duly sworn, deposes and says: I am Marshal of the Republic of Hawaii, and was Deputy Marshal during the late uprising, January last; Sunday afternoon, January 6th, 1895, the Marshal, through a detective received information that a lot of firearms had been landed at Henry Bertlemann's residence, which is on the sea-shore at Waikiki, just below Diamond Head, and some three or four miles from the City Post Office; the information was so direct and positive that I was despatched forthwith on horseback to watch the place until a search warrant could be drawn and the police arrive with it at Bertlemann's. When I arrived at the entrance to the Park, I found F. W. Harrison and Mr. Cunha standing together at that point; I do not know what they were doing there and I passed on to Bertlemann's. Upon arriving outside of Bertlemann's I was surprised at the number of natives who were passing along Bertlemann's towards Waialae. As it afterwards turned out I was then within ten minutes walk of the sentries posted by the insurgents on the side nearest town and these natives that I saw going along the road in twos and threes were on their way to join the insurgents. Not realizing the truth at the time, but with my suspicions aroused, I tied my horse to a tree adjoining the road and hid myself so that I could better observe and study out what all this meant. In a short while, who should come along from town way but F. W. Harrison, alone. He must have followed after me right off and walked quickly to have come when he did; he passed Bertlemann's gate, when he caught sight of my horse on the side of the road; he knew the horse and knew it belonged to me; I saw him pause and then walk on undecidedly and slowly; at that point he was within ten minutes walk of the sentries aforesaid, with nothing between him and them except two or three unoccupied summer houses and a fisherman's hut on the beach. Being satisfied that Harrison knew that I was around I came out on to the road in his rear and walked up towards him and up to my horse; he turned and I said "Good evening" to him; he acknowledged my salutation and then started back towards town. I was convinced that he had followed me as a spy and to learn what I was up to. I went up to my horse and by the time I was on his back and turned towards town myself he had disappeared. He did not go into Bertlemann's through the front gate, for I could not have failed to see him if he had, my horse being only a few feet away from Bertlemann's gate. As it afterwards turned out, he slip-

ped into Bertlemann's and gave him the alarm. And he must have got there by passing through a lot and getting out upon the beach and thence back to Bertlemann's. I considered his actions extremely suspicious and his giving information to Bertlemann, who, as it afterwards turned out, was one of the most prominent of the insurgent leaders, a direct act of hostility, the insurgents then being in the field in numbers, under arms and having already captured and made prisoners of supporters of the Government, and having committed other acts of open hostility and war. Captain Robert Parker of the regular police, with several of his officers, arrived at Bertlemann's about 5 or ten minutes after Harrison disappeared as aforesaid. I met Parker and his men on the town side of Bertlemann's and after giving him instructions, rode back towards town for re-enforcements as I was satisfied by that time that something very serious was in the wind. Parker, it seems, in going on to Bertlemann's, ran up against Harrison coming out of Bertlemann's gate. To have got there he must have turned back after I saw him starting towards town. It turned out that the boats and crews which landed the arms left the beach from Bertlemann's house to go after the same, but in landing the arms they went further towards Waialae and there hid them in the sand. I communicated Harrison's conduct to the Marshal either that night or the next day.

(Signed)

A. M. BROWN,
Marshal.

Subscribed and sworn to before me this 29th day of October, 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Exhibit "B."

Re Fred Harrison.

Honolulu, s.s.: Robert Parker Waipa says:

I am senior captain in the Honolulu Police force. On Sunday evening of January 6th, 1895, in company with Deputy Marshal A. M. Brown and a detail of police I went to Bertlemann's place at Kaluahole beyond Kapiolani Park to search for arms. Upon arriving in the neighborhood I saw that Fred Harrison was at Bertlemann's place. He came out as though to return toward town, but seeing us immediately turned round and went back inside, undoubtedly to inform Bertlemann of the arrival of police. When we made the search and found arms and a company of natives who afterwards proved to be insurgents, Harrison was not there. But, in view of his friendly relations and close personal acquaintance with Bertle-

mann and those people, he undoubtedly knew all about the arms and the intentions of those people.

(Signed)

R. PARKER.

Sworn to before me this 20th day of February, 1895.

(Signed)

W. R. CASTLE.

Notary Public.

Officers Holi, Luahiwa and Chamberlain say that they were in the detail of police sent to search for arms at Bertlemann's and know the foregoing statements to be true with regard to Fred Harrison.

(Signed)

JOS. LUAHUWA,

(Signed)

WILLIAM HOLI,

(Signed)

JAS. CHAMBERLAIN.

Sworn to before me this 20th day of February, 1895.

(Signed)

W. R. CASTLE

Notary Public.

Exhibit "C."

In the matter of claim of F. W. Harrison. Affidavit of H. F. Bertlemann.

Hawaiian Islands, }
Island of Oahu. } s.s.

I, H. F. Bertlemann, being duly sworn depose and say:

At the time Judge Advocate Kinney was investigating the cases of various persons charged with complicity in the late uprising, and while I was under arrest by the authorities for connection with the affair, I made several statements to Judge Advocate Kinney, in the presence of a stenographer who took down what I said in shorthand, of my knowledge and information in regard to this uprising. These statements that I made were true.

Among other things I made the following statement in regard to Fred Harrison:

Q. "Harrison was in this thing, he knew about it?"

A. "Yes of course I spoke to him about it, he didn't want to take any active part in it on account of his family and one thing and other."

Q. "But he knew what was going on at Kahala?"

A. "Yes."

Q. "He knew the arms had been landed?"

A. "Yes."

I wish to make the following correction in that statement. I do not think that Mr. Harrison knew that the arms were

landed at Kahala, for I did not know exactly myself at the time where they were landed; but I knew and Mr. Harrison also knew that they had been landed somewhere near Diamond Head.

My conversation above recited took place several days before the uprising took place. Previous to that I had been told by Nowlein that Harrison would take part in the uprising; but that is the only conversation I had with Mr. Harrison himself.

A little before dusk, January 6, Mr. Harrison came into my house, near Diamond Head, and told me that the Police were stationed outside my premises. That was the first I knew of it. About two hours or so later an armed conflict took place between these Police and the insurgents. I told the authorities of Harrison's visit when I made my statement to them as aforesaid.

(Signed)

H. F. BERTLEMANN.

Subscribed and sworn to before me this 19th day of October, A. D. 1895.

(Signed)

EDWIN A. JONES.

Notary Public.

Exhibit "D."

Re Fred Harrison.

Honolulu, ss.: A. L. C. Atkinson says:

On Sunday evening of the 6th of January, 1895, I went on my bicycle out to Mr. C. L. Carter's at Kapiolani Park. As I crossed the long bridge and was about entering the Park I noticed Fred Harrison standing near the end of the bridge by telephone post. He called me back as I passed and we had quite a talk. He began speaking himself of the Government, spoke very hotly and as though full of strong feeling, and against everything that the Government did. He was very angry at the Government having places searched for arms. I do not remember the full conversation as the event which happened immediately afterward drove it out of my mind. But he was very aggressive indeed. He had seen police going out to search.

During this talk he hailed two hacks one after the other as they drove into town. To one he called out "John," but the driver answered "No." No one was in either beside the driver. A brake with three persons also driving toward town he hailed, but he must have thought they were not sober for he called out, "Oh, I guess you fellows are jagged." Mr. Cunha came up during the conversation and I very soon went off. As I left he said, "I suppose you will tell your partner Charlie 'about me and what I have said.'"

With Carter and Castle I went out to Bertlemann's and was there after Carter was shot, after which we took Nick Peterson's hack and conveyed Carter to his home.

(Signed)

A. L. C. ATKINSON.

Sworn to before me this 20th day of February, 1895.

(Signed)

W. R. CASTLE.

Notary Public.

Exhibit "E."

Whereas I, Fred Harrison, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said Fred Harrison, in consideration of the consent of the Hawaiian Government that I shall leave the Hawaiian Islands immediately upon my being released (It being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Miowera," leaving Honolulu for Vancouver, British America, on March 4th, 1895, and will not return during my lifetime without the written consent of the Minister of Foreign Affairs, or other officer having charge of said Department, approved by the Marshal.

Witness my hand this 13th day of February, 1895.

(Signed)

FREDERICK HARRISON.

Witness:

(Signed) JAS. A. LOW.

(Signed) E. G. HITCHCOCK.

In the matter of the claim of F. W. Harrison. Affidavit of James A. Low.

Honolulu, }
Oahu. } ss.

James A. Low being duly sworn, deposes and says:

I received F. W. Harrison at Oahu Jail, January 9th, A. D. 1895, at about 3:30 p. m., as a committed political prisoner.

The first statement in Mr. Harrison's complaint to the British Government, as to his treatment at Oahu Jail, to wit: that he was kept in a cell without liberty until 4:30 p. m. on the day following his arrival at Oahu Jail, is false. Mr. Harrison was liberated the next morning at 9 o'clock and given an hour and a half liberty, during which time a breakfast was

served, consisting of soft bread, beefsteak, rice, potatoes, taro and a cup of tea. In regard to the food given Mr. Harrison on the day of his arrival, I have this to say: Prisoners arriving at the jail after provision has been made for the evening meal, receive nothing but crackers and tea, or perhaps soft bread and tea, because they come too late, and so on the first days in many cases, and perhaps Harrison is one of them, they failed to get the regular supper, but this has always been the case with all classes of prisoners. I would state here that there was a special bill of fare provided for untried political prisoners which was the same as the food that was put on my table as jailor; it was cooked with my food. And further, anyone of these political prisoners was at liberty to order his meals from the city; Harrison, the first morning after his arrival, requested me to order meals for him from the Arlington Hotel twice a day, which was done, and they continued to come until he was released; anything in the way of delicacies, fruits or cakes sent to them were delivered at once.

I have already stated that Mr. Harrison had liberty the next morning after his arrival, his statements to the contrary notwithstanding, he had an hour and a half liberty perhaps two that same afternoon, and during which time he ate his supper which had come from the Arlington. And on the next day, Friday, January the eleventh and every day thereafter while he was in Oahu Jail he and all other political prisoners, excepting the natives or some of them, were allowed liberty three times a day, covering from four to four and a half hours. In connection with this matter of liberty I wish to state that the uprising had resulted in crowding Oahu Prison to its utmost capacity so much so that I had to refuse to receive more prisoners. Before the uprising I had about 160 regular prisoners; the uprising filled the jail full to the number of 300 and finally I had to establish a temporary branch prison at the old Barracks to which I removed 60 of my most harmless and reliable regular prisoners; about 150 political prisoners were added to their number, all of whom I had to supply with food and provisions; the result of all this extra labor was some confusion and inconvenience for a day or so, but I solemnly assert that at no time while these political prisoners were there in my charge were any hardships or neglect or imposition put upon them. Many nights I didn't get more than three or four hours sleep, and I received a gold headed cane from a dozen or so of the political prisoners, among whom was F. W. Harrison, T. R. Rawlins, and others; also P. G. Camarinos. Mr. Harrison was one of the chief movers, if not the chief mover in presenting me with this testimonial.

It is true that Mr. Harrison was removed by me from the cell that he was occupying with L. J. Levey and was thereafter

kept separate from the majority of the other foreign political prisoners; this was done by the orders of the Judge Advocate; he was at liberty however, to see relatives and friends that came to visit him, and he was further allowed, while at liberty, to converse and associate with certain of the foreign political prisoners who were at liberty during the same hours and who were mostly in the same corridor as Harrison; it is not true that his liberty was shortened; the only change was in the hours of the day, the duration of time remained the same. It is true also that I shifted him occasionally from cell to cell, pursuant to orders received from the Judge Advocate who stated that Harrison was not allowed to communicate with such and such prisoners, and if after receiving such an order I found that his cell was close enough so that he might communicate with the party whom I had received orders to keep away from him I had to shift his cell immediately to another point; I received several such orders from the Judge Advocate from time to time as he was investigating Harrison's case, and I carried out his orders at once whether they came in the day time or night; these investigations by the Judge Advocate and his assistants were running night and day, and I received orders quite as freely at night as in the day time. In short, the separating of Harrison and the shifting of him from cell to cell was done to avoid the possibility of collusion and the suppression of evidence and had nothing personal in it whatever, my feelings towards Harrison being most friendly.

It is true that T. B. Walker was allowed to visit Harrison's cell, and also to mingle freely with the other prisoners, which was done by the order of the Judge Advocate. It is true that with Mr. Harrison I did what I did not do with others, to wit, advised him to leave the country, but this was done unofficially without the direction or knowledge of the Government and solely from personal friendship to Harrison, as I distinctly told him and there was no chance for him to misunderstand me; I knew that the authorities were going to push his case before the Military Commission and that he had made himself extremely offensive and unpopular throughout the community and there was a strong feeling against him and in talking with him I reminded him of these facts. He took it on the same spirit in which I gave it and thanked me for the personal interest I had shown him.

(Signed)

JAMES A. LOW.

Subscribed and sworn to before me this 30th day of October, A. D. 1895.

(Signed)

WM. J. FORBES,
Notary Public.

In the matter of the claim of F. W. Harrison. Affidavit of W. A. Kinney, late Judge Advocate.

Hawaiian Islands }
Island of Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says:

The case of F. W. Harrison was turned over to me for investigation as Judge Advocate as well as all other cases growing out of the late uprising. The Marshal informed me in substance of what he had sworn to in his affidavit herein. His belief, and conviction that Harrison was a party to that uprising and was one of the conspirators was directly confirmed by the evidence of H. F. Bertlemann and Samuel Nowlein, who in their original statements and confessions made to me at various times while in Oahu Prison last January directly connected F. W. Harrison with the conspiracy. (See Exhibit C in the Marshal's affidavit, and Exhibit F attached to mine.)

I took a number of sample statements from those who had heard Harrison's talk, and which bore out the Marshal's information to me. Mr. Harrison's talk has been such as to make it a matter of common knowledge in this city. With the evidence of Bertlemann, Nowlein, A. M. Brown, his police, and some evidence of the way he had been talking and acting for the past year or so, I was prepared to prosecute him for misprison of treason before the Military Commission and his case would have been tried after that of C. W. Ashford if he had not expressed his willingness to leave the country and signed an agreement to that effect.

After he was out of the jail he expressed himself very freely to the effect that he had acted the part of a fool in the past and was glad he had agreed to leave and hoped when he came back to act differently. He so expressed himself to me and I heard of his making the same remarks in substance to others.

In the entire investigation of his case I found nothing to indicate that any mistake had been made in his case or that the information that we had been relying upon was false or mistaken.

In looking over Mr. F. W. Harrison's complaint to the British Government, I notice that he lays special stress upon the fact that he was approached as to whether or not he would leave the country if allowed to do so by the authorities, and refers specially to a conversation had at that time with Mr. T. B. Walker.

The facts are these:

I had heard from various sources, shortly after the uprising began, that there were a number in the jail who were willing to leave the country for good, if the Government would allow them to do so. I found that the Cabinet was willing to

let certain of them go; but did not care to make the offer until they knew that it would be accepted. I accordingly asked Tom Walker, who had been convicted of treason, to find out if he would, from among his associates such as Harrison, Rawlins, Redward, Thomas, Kenyon and others, if they would accept such an offer from the Government if it was made to them. I told Walker not to let them know that the Government was at the back of this proposition, assuring Walker that if they were willing to go that the Government would follow it up then by an open proposition.

Walker sounded them and reported that two of them were willing to go, to wit: Ritman and White; but said that the balance were unwilling to go. Harrison being among their number. White and Ritman were allowed to go even though they confessed their guilt and were concerned in the making of the dynamite bombs found in the hands of the insurgents.

I never attempted thereafter to approach Harrison in any way; but prepared to try him, and he surely would have been put to trial by me before the Military Commission for misprison of treason, if he had not agreed to leave before an opportunity offered to put his case on.

The reason that the Government were willing that Harrison, Redward and the others above named should leave the country was that the chief desire of the Government was to be relieved from their incessant active hostility, and the necessity of watching them, and this end was gained as fully by allowing them to leave as by incarcerating them in prison, from whence they would come out probably more embittered than ever.

No man was approached to leave the country, so far as I know, who was not conscientiously believed to be guilty of statutory offences against the Government.

It was due to my orders that Mr. Harrison was separated from the other political prisoners. My reasons for so doing are fully explained in the case of C. W. Ashford. I had in my hands sufficient evidence to warrant my putting Mr. Harrison on his trial, and therefore gave the order in question.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Exhibit "F."

In the matter of the claim of F. W. Harrison. Affidavit of Samuel Nowlein.

Hawaiian Islands } ss.
Island of Oahu. }

Samuel Nowlein being duly sworn, deposes and says:

I know Fred Harrison, the brick-layer and contractor. He was a prominent royalist, and was commonly known as such. I was intimate with him as I was with most of the white royalists. We knew each other, and our political sympathies us together. Fred Harrison had given me to understand that he would take a hand in restoring the monarchy by force whenever the occasion arose.

When the "Wahlberg" had communicated with the shore, in December last, and I knew that the arms would be landed in a few days, I sent Henry Bertlemann, who was acting under me in these matters, to ask Fred Harrison to take a hand. I was not present, of course, when they met. I sent Bertlemann to him with the idea of placing Fred Harrison in charge of the squad who were to seize the telephone office. Bertlemann brought back word that Fred Harrison said he could not take a hand, or any active part, as his wife was in the family way, and just about to give birth to her child. I did not understand that Mr. Harrison had abandoned us or was out of sympathy with us; but simply that he begged off, and consequently Mr. John Bowler was selected by me and appointed by me to the position that I had intended for Harrison.

The above statement was made to the authorities while I was under arrest, and they had knowledge of what I know about Harrison as above stated, while Mr. Harrison was under arrest and the Military Commission was still sitting.

I was one of the leaders of this uprising, in fact I may say that I was the one that organized the native branches of that uprising, and was the one consulted by the white leaders. The white royalists had been urging and encouraging the idea among the natives that the Republic should be overthrown by force, and that that was the way to restore the monarchy, long before the uprising came. Such men as Mr. Fred Harrison, Mr. F. H. Redward and Mr. E. B. Thomas, certainly took that position to my personal knowledge, and it was a common understanding among the natives by reason of what the white royalists had said to them that they would assist the natives in overthrowing the Government. The uprising never would have taken place if the white royalists had not agreed to join in.

The white royalists were counted all right for any uprising that might take place, the doubtful question was whether the

natives would "toe the mark" or not. The chief reliance of the leaders of that uprising was upon the whites. They were expected to lead, as the natives had had little or no experience in such matters.

(Signed)

S. NOWLEIN.

Subscribed and sworn to before me this 23rd day of October, A. D. 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Statement of Captain Kaai, re E. B. Thomas.

Captain James Kaai being duly sworn, deposes and says:

On a certain Saturday the Marshal seized some giant powder and fuses and caps on board the schooner Haleakala; and he can fix the date better than I; it was some weeks before the revolution, I was master of the Haleakala at the time; when that wrecking syndicate bought the hull of the "G. N. Wilcox," then stranded on the Molokai coast, they chartered the schooner Haleakala to assist in the wrecking, James I. Dowsett being the owner of the schooner; when I was preparing to go to sea for the purpose aforesaid an express wagon came down to the schooner, driven, I think, by a white man, carrying a box which afterwards turned out to be giant powder, together with some fuses and caps for exploding the same and also some implements and tools, etc., such as hammers, drills, etc.

Galnay and E. B. Thomas who seemed to be directing things for the wrecking syndicate told me to place this giant powder, fuses, aft in the cabin, as there might be some mishap if it was put in another place with the common freight; I did as directed; there was also giant powder outside of the box, some sticks wrapped up in papers; when the schooner arrived at the wreck they used up the sticks that were outside of the box in trying to blow up portions of the wreck, but the current was so strong that it was not successful and they desisted, leaving the box of powder untouched and which remained aboard the boat a number of trips; on the Wednesday before the Saturday on which the powder was seized we arrived from Molokai on the Haleakala with a load of firewood, a matter unconnected with the wrecking syndicate; on the next day, Thursday, Thomas, it seems had called at the schooner and asked for me but I was absent; the next day, Friday, between two and three in the afternoon Thomas came aboard the schooner and went down in the cabin without saying anything and pretty soon came up and said that he had got his things together and that I was to give them to an expressman who would call for them; no one called that day; upon going down

into the cabin after Thomas left I found that he had wrapped up his mattress and pillow in one bundle, put his coat and clothing, together with the giant powder, fuse and caps into a bag separately and had tied the opening of the bag up and that he had put the box of giant powder into another bag, (sugar bag,) by itself and tied that up with a string, making three bundles in all.

The next day, which was Saturday, we hauled around in the morning between seven and eight o'clock from the dock where we had been lying, which was below John Colburn's feed store, over into the stream makai of the Fish Market, at which place the giant powder, caps and fuses was seized by the Marshal, as aforesaid at 12 o'clock Saturday.

There was other stuff aboard the Haleakala belonging to the wrecking syndicate on deck, which was not touched by Mr. Thomas and in reference to which we received no orders and which was lost with the schooner the other day when she was wrecked off Waianae.

(Signed)

his
JAMES X KAAI.
mark

Subscribed and sworn to before me this 11th day of February, 1895.

(Signed)

ALFRED W. CARTER.
Notary Public.

Statement of J. L. Osmer taken before W. A. Kinney, at the station-house, February 11th, 1895.

Honolulu, }
Oahu. } ss.

J. L. Osmer being duly sworn, deposes and says:

I know E. B. Thomas and have known him since 1889. About a year ago Mr. E. B. Thomas was arrested for assaulting his wife and at the time I was turnkey at the station-house and had the opportunity to show him some favors; he came down to the station-house without any proper clothing and without shoes and that night I helped him out with my own clothes and in the morning he wore my clothing out of the jail and he seemed to be grateful to me for it and from that time on showed a very friendly spirit towards me.

I was suspended in the first week of November last for a dispute and fracas with Captain Parker.

I then entered the secret service of the Government.

I was suspended on the 4th of November and since then I have been in the secret service of the Government.

Between the time of my quitting as turnkey and the last

week in November I had several conversations of an indifferent character with E. B. Thomas, but which were in the line of getting his confidence and to assist in getting into closer and more intimate acquaintance. By the last week in November we had several conversations and at that time he invited me into his shop on King street, between Maunakea and Nuuanu on the mauka side of the street, and after I was in there he said, among other things, "There is no use Osmer; we have got to "do these missionaries up; their Government is not going to "last very long anyhow." I should have said before this that since my discharge as turnkey I had given out that I was very hostile to the Government and was willing to take a hand in any movement to down the Government and I talked in that strain right along, so that at the time I had this conversation with Thomas the last week in November I was considered a pretty good royalist. Mr. Thomas then went on to say in that conversation that last week in November, that he had 50 pounds of giant powder ready at any time to be used.

In conversations with him prior to that he had spoken generally about blowing people up and blowing buildings up so that when he referred to the giant powder I was already prepared to hear him talk about it and hear him talk that way. In that conversation in the last week in November, when he spoke of giant powder, he said it could be used to blow these people up. This conversation which took place in the last week in November was reported forthwith by me to Captain Parker with whom I was then working; working up the Crick and Bush cases.

On the first day of December last, which was a Saturday, in the afternoon, at the corner of Nuuanu and King, I again met Mr. Thomas; he was with T. B. Walker, who was intoxicated. Thomas asked me to go in and take a drink with him at the Merchant's Exchange; I did so; we went in and had our drink and he then told me that Von Topaz had committed suicide by shooting himself, a fact which I then knew, but which I pretended not to know, Thomas said "That son of a bitch of a Topaz has shot himself; we have got one less man to work against us." I came out and joined T. B. Walker and went up Nuuanu street with him; this conversation with E. B. Thomas was reported by me to the Marshal and by his instructions I kept a record of the different events that I have above recited and which I state hereunder.

On the Thursday night following Saturday, the 1st of December, which would be the 6th of that month, I went to the Merchant's Exchange at about half-past seven or eight o'clock, about nine E. B. Thomas came in. There was a drill of Company A that night and after a while Corporal Fennemann and an outsider named Johnson, of Love's Bakery, came into the Merchant's Exchange and I had a few words with Fennemann.

The corporal was growling at me for not attending drill. For since my apparent discharge from the Police Station and the publication in the newspaper that I had turned royalist I had not attended drill but had explained partially to the captain, though the men did not understand what it all meant, and I thought best to stay away from drill until later on. While the corporal was there E. B. Thomas asked me how that man stood and asked me to introduce him to the corporal, which I did. He then asked me privately how that man stood, whether he was with us, meaning the royalists, or not; I told him yes, he was on our side; he was allright. Mr. Thomas took a dollar or so and asked me to treat the corporal and his friend; he said he did not want to treat them himself; he did not want it said that he was treating them himself. The corporal and his friend took the drinks, also myself and Mr. Thomas. Then Mr. Thomas stated that formerly he had been a lieutenant in the Company A himself; on previous occasions before that night he had sounded me as to how the men in Company A stood on political matters and whether they would turn out for the Government in case of trouble. I had represented to him that a great many of them were luke warm and might be pulled in by me to assist the royalists. Mr. Thomas later on gave me \$2 more to use in treating and meanwhile he stepped over to his own office and brought back some envelopes, stamped with a Hawaiian flag printed on them with Company A envelopes, which had been used at Company A's ball in '89 or '90; he showed us these, and divided them up amongst us; he gave some to me and to Corporal Fennemann, perhaps he gave some to Klemme. I don't know. One of those envelopes I remember I gave to Louis Bert, a special who is now in the service of the Government, and if I mistake not Corporal Fennemann has some of those envelopes now.

The next conversation I had with E. B. Thomas was on Saturday night, the 8th of December, it must have been half past eight or nine o'clock and just after the arrest of Bush and the searching of the Merchant's Exchange. We two alone were present. Thomas then told me that in the search of the Merchant's Exchange the police had found a gun up in Klemme's room which Klemme said belonged to me; Thomas said yes, that is so; I said I am likely to be arrested and Thomas said if that is so you will have some one to bail you out; that is all he said at the time. The next morning about seven I went out to Captain Parker's house; it was through Captain Parker at his house that I usually communicated to the Police Station as it was not safe for me to come down directly there, I represented to Captain Parker that it would be well to have me arrested in connection with his gun that was found at the Merchant's Exchange so that the royalists with whom I was working would get the impression that I

was allright; was in with them and was being arrested as well as other royalists. Parker agreed to this and accordingly Sunday morning an officer came out to my house and arrested me and took me down to the Station House and a charge was entered against me; under cover of that arrest I had access to the Marshal and Attorney-General and made a full report to them personally of all I knew at the time. At that time what I had to do with E. B. Thomas was only a small part of my work, the principal part of my work was in connection with Crick and Weed and the Bush conspiracy; the conversations with E. B. Thomas were only a side show at the time. I was put down in a cell and pretty soon the Clerk of the Station House, Zablan I think it was, came to me and said that Thomas asked what my bail was and said he would go out and get the money; later on I telephoned to Klemme and he came down and bailed me out and just as Klemme and I went out up on Nuuanu street I met E. B. Thomas who told me that he was coming down to bail me out, E. Klemme was with me at the time I met Thomas; that was all the conversation I had with him at that time.

On that same day that I released on bail, to wit, Sunday night at about eight o'clock, just opposite the Salvation Army barracks on King near Fort, I again met Thomas and had a conversation with him; he took me up to Hotel street to the Chinese coffee saloon, opposite Roach's barber shop; Thomas commenced to vent his feelings of hostility against the Government but I quieted him down and told him that it was no place to talk, and from there we went along Hotel to Nuuanu and then went down to the corner of Nuuanu and King and stood there for a half hour's conversation. At the time he said to me, in that conversation, that something ought to be done; that he had the giant powder to do it with and I said, well, where can we get it and he said, "It is on board the schooner; I have it in the harbor here," and he then said he wanted the help of ten men. I having assured him before that I was right in with him to do this work he said that he wanted to blow up four men anyhow and named W. O. Smith, the Attorney-General; E. G. Hitchcock, the Marshal; President Dole and Minister King. He said it would need about eight or ten men. On that Sunday evening's conversation on the corner of King and Nuuanu, Thomas then asked me when I told him that I would stand in with him, he then asked me to meet him at half-past seven Monday evening at the Merchant's Exchange; I understood at that time when we met that we would get the giant powder; Monday morning at half-past nine or ten o'clock I went to W. O. Smith's office. Mr. W. A. Kinney being present and I asked some one to ring him up; it seems that he was at the Police Station and he came on down to his office and I there met him and had a conversation with him,

and I there asked him at the time to post men on the wharf to watch for a schooner and E. B. Thomas, as I understood would get that giant powder from off the schooner that Monday night; my understanding with the Attorney-General was that if this man he placed there caught Thomas alone or with me coming away from the schooner with any package or parcel to arrest us at once and take us to the Station House; after making this report to W. O. Smith I also told Captain Parker about it that Monday. In pursuance of that arrangement some 13 or 14 specials as I afterwards learned were placed along the dock; at the appointed time I met E. B. Thomas at the Merchant's Exchange and to my surprise he knew about these specials and said, "There are 14 men posted along the dock. It is evident that some one had given the matter away. I felt certain that it was Cohn, a special who just before that had come into the Merchant's Exchange, and called him, Thomas, aside and had some conversation with him, as also certain other persons in the room, Klemme and others. After Thomas had told me the balance of us concluded to go down to the dock as they said to see who these guards were and so we went; in our company was H. and C. Klemme, Old Henry and one or two others; E. B. Thomas did not go, but we went along the dock and afterwards came up by the Police Station; that evening was December 10th. E. B. Thomas, before we went down to the wharf told me that the matter would be put off for a couple of nights. Up to this time he had been a little vague as to where the schooner was, simply saying that it was on a schooner in the harbor but otherwise he gave me no clue; I supposed it was on the Waimanalo.

I next met Thomas on Thursday night on the corner of Nuanu and King at about half-past seven or eight. Thomas and I had a few words about my case which was coming up the following Monday at the Police Court. He said your case will not be tried, the Government will be done up before that time, the royalists are all ready.

On Friday, the 14th of December, he said to me, look here Osmer, I am told you are a spy; I said to him, if you think I am a spy you should not have anything to do with me; he said, how about White, the school-master? I said that fellow is working on three sides at one time. He said, did you see him much while you were turnkey, and I said I saw him there all the time and he is giving you fellows away, and he said, I thought so all the time. I have been feeding that bastard down to my house and I will go down there to my house and kick him out; after that he seemed to get more friendly towards me and he said, Tim Murray has come to me and told me to look out for you, but I told him I believed you were allright.

On Monday, the 17th of December, my trial came up and the

case against myself and Klemme was nolle prosequied and on the Wednesday following I was called as a Government witness against Bush and Crick, which ended my connection with Mr. Thomas. He never looked at me or spoke to me after that.

E. B. Thomas was very intimate with T. B. Walker and was very frequently in his company.

(Signed)

J. L. OSMER.

Subscribed and sworn to before me this 12th day of February, 1895.

(Signed)

A. W. BROWN.

Notary Public.

Statement of B. Fennemann taken before A. W. Carter at the Station House, February 12th, 1895.

Honolulu, }
Oahu. } ss.

B. Fennemann being duly sworn, deposes and says:

Am a corporal in Company A. On a Thursday night in the early part of December last I visited the Commercial Exchange; I met there Osmer and E. B. Thomas; Osmer introduced me to Thomas; I had my military pants on, just coming from drill. Osmer said, here comes a soldier and Thomas took us up and treated us. Thomas said he was an officer in Company A formerly. He asked if I would like a remembrance of the old Company; I said yes and he went away for a short while and brought back some envelopes with Hawaiian flag and "A" printed on them. He gave some to me, some to E. Klemme and some to Osmer.

(Signed)

B. FENNEMANN.

Subscribed and sworn to before me this 12th day of February, 1895.

(Signed)

ALFRED W. CARTER.

Notary Public.

Statement of William Hickey taken before W. A. Kinney, February 26th, 1895. In re E. B. Thomas.

Honolulu, }
Oahu. } ss.

William Hickey being duly sworn, deposes and says:

I am acquainted with E. B. Thomas; about a week or so, I think it was, before the uprising and while I was in the pay of the Government as a detective, as a special, (secret) I had a conversation with E. B. Thomas about the Government. It was the Saturday night that there was a big row in the Empire

Saloon; the saloon had been full of natives who got into a row with the barkeeper and caused his arrest, he being accompanied down to the Station House by the whole gang who were very much excited; the barkeeper, McNicols, was bailed out by E. B. Thomas, or else E. B. Thomas went down to bail him out, anyhow Thomas came back with him soon; he there met me and said to me, "Hickey, look out for that man," pointing to my brother-in-law, Frank Cunningham, whether he knew he was my brother-in-law, or not I do not know, but I do not think so. Continuing Thomas said, "He is a son of a bitch and a spy." He also said, "I want another row or two like this one to-night and then we will go down and take that Station House." I reported this conversation to the Marshal at the time.

(Signed)

WM. HICKEY.

Subscribed and sworn to before me this 26th day of February, 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Statement of Charles T. Day taken before W. A. Kinney, February 25th, 1895.

Honolulu, }
Oahu. } ss.

Charles T. Day being duly sworn, deposes and says:

I am the brother-in-law of E. B. Thomas; have never been familiar with him, never having approved my sister's marriage but I have no special grievance against him, I simply have never liked him and have had not anything more to do with him than I could help; he is a rank royalist as everyone knows; he is not one that is secret in the expression of his opinions, in fact he is quite the reverse, particularly when he is in liquor; when in liquor he talks very freely and very frequently about the politics of these Islands, going to such an extent that I have felt that he was laying himself open to the very trouble that has come upon him, namely, his arrest and detention in jail; he has often announced (himself) in my presence as irreconcilably opposed to the Government, as one who was friendly to the monarchy and whose opinion could not be altered or changed by anyone; he is fond of speaking of himself as an Englishman, but the recognition of this Government by the English Government has had no effect in modifying his talk or opinion; after such recognition he still continued to say that this Government could not last and would not last long and that the monarchy would be restored. I can't remember all of his talk, no one could as there has been so much. He has

made himself simply notorious as a royalist and one hopelessly hostile to the present Government.

(Signed)

CHAS. T. DAY.

Subscribed and sworn to before me this 25th day of February, 1895.

(Signed)

C. D. CHASE.

Notary Public.

Affidavit of William Davis re E. B. Thomas.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

William Davis being duly sworn, deposes and says, that he knows E. B. Thomas and has known him for a number of years. He has personally associated with him, talked the political situation over and knows that said E. B. Thomas is a pronounced and ardent royalist and hostile to this Government, a fact which is well-known to all, as Thomas has not taken pains to conceal his sentiments nor has he been cautious in about what he has said. His language has been very violent and to the effect that the present Government had stolen the country from the natives and that this Government could not last and that it had got to come to a fight some time, and expressed his sympathies so plainly that there could be no concealing that he was in sympathy with such a movement. That deponent remembers particularly going to the Molokai coast with E. B. Thomas to wreck the "Wilcox." That on that trip he expressed himself as above indicated. That his royalistic sentiments are as well-known as that of any man in town.

(Signed)

WM. DAVIS.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

Affidavit of A. D. McEvoy re E. B. Thomas.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

A. D. McEvoy being duly sworn, deposes and says:

On or about the 1st of January, I called at E. B. Thomas'. He used the following language: That this Government is no good, that it is run by a family compact, that the Queen was dethroned by fraud, but he damned if it was going to continue long, that all we need is good leaders and plenty of arms and ammunition and the present Government could be easily overthrown, that he be damned if he was going to live under

a Republican form of Government and he would spend his last dollar towards its overthrow.

(Signed)

A. D. McEVOY.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER.

Notary Public.

Affidavit of Thomas Black re E. B. Thomas.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

Thomas Black being duly sworn, deposes and says:

I was born in Scotland 27 years ago and have resided in this country 18 months; employed by the Honolulu Iron Works Company as an engineer and reside with Mr. Reid, pattern maker in the same establishment, on Kinau street. I am acquainted with E. B. Thomas and have known him for about 3 months during which time I have been quite friendly with him. He has indulged in violent talk against the Government during my acquaintance with him and in my presence. A great deal of this talk particularly the most violent has come from him when under the influence of liquor during which time he is especially belligerent against the Government and against the supporters of the Government and uses threatening talk against them that one does not hear from him when sober. He has I understand got into several personal encounters with supporters of the Government for no other reason than that they were known supporters of the Government and for that reason offensive to him when under the influence of liquor and when he has not got control of himself. He certainly is an ardent royalist and as far as I could see and observe irreconcilably opposed to the present Government.

(Signed)

THOMAS BLACK.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER.

Notary Public.

J. McDonald being duly sworn, deposes and says:

That I have known E. B. Thomas over a year: within two months previous to November last. I have frequently met Mr. Thomas in Honolulu and have frequently heard him use strong and condemning language with reference to the Government of the country. I have heard him say that it was not a legitimate

Government. On November last I accompanied Mr. Thomas and Tom Walker to Molokai on the Waimanalo. He upon that occasion said that there would be a change in the Government shortly and that when it came it would come swift. I have known him for the past year to be a pronounced and irreconcilable royalist and opposed to the present Government. Upon the trip above mentioned the gist of his conversation on political matters were to the effect that something would happen at no distant date and he approved and hoped for it.

(Signed)

F. J. MACDONALD.

Subscribed and sworn to before me this 21st day of February, 1895.

(Signed)

A. W. CARTER.

Notary Public.

Statement of Peter Higgins taken before A. W. Carter at the Station House, February 12th, 1895.

Honolulu, }
Oahu. } ss.

Peter Higgins being duly sworn, deposes and says:

Was born in Scotland; am 38 years of age; have been in Honolulu a little over a year. Know F. W. Harrison. Know him to be a royalist and an opponent of the Government and have heard him assert that the Queen would be restored.

J. F. Bowler and E. B. Thomas and F. H. Redward were frequent visitors at L. J. Levey's auction rooms, Mr. L. J. Levey bears the reputation of being a royalist of the radical stamp.

Know F. H. Redward. He is a royalist and antagonistic to this Republican Government and has said that it would be overturned and that restoration would be accomplished.

E. B. Thomas was a very much dissatisfied royalist and has told me that the Government wouldn't last long.

(Signed)

PETER HIGGINS.

Subscribed and sworn to before me this 12th day of February, 1895.

(Signed)

WM. J. FORBES.

Notary Public.

Re Fred Harrison, F. H. Redward, E. B. Thomas, etc.

Honolulu, ss.

M. Davis says, I keep a store on Nuuanu street and live near the end of the tramway line in Waikiki, and going back and forth every day, I see a great deal of and converse with, at one

time or another, Fred Harrison, E. B. Thomas, Johnnie Bowler, Henry Bertlemann (on the cars) and others of the royalist crowd. Everyone of them has had a perfect hatred of the Government. For the past two years I have had a pretty hot time of it for they have all known that I believed in the Provisional Government and the Republic. They always called me "That miserable P. G."

Although their talk always has been of a very bad character, showing their desire that the Government might be overthrown and the Queen be restored, it is not till quite recently that their talk began to sound to me as though they were really planning an insurrection, and were determined to overthrow the Government. Their talk sounded so strong and although they really had plans, that I felt quite seriously once or twice that it might be important enough to inform the Marshal, and I now think I made a mistake not to have done so. But at the time I really could not believe they would be such fools as to undertake to really fight with the Government. At several different times just before the actual breaking out of this rebellion both Redward and Thomas, but I think separately, they have advised me to change and to stand from under for, they have said, in a very few days the Government would fall and they would be "on top." These people had talked so much, said such hard things and been so ugly, that I could not stand it and taunted them with their inaction, but a number of them said, "Our plans are not yet quite perfected; wait a few days more and you will see the end." At my last talk with Thomas a few days only before the outbreak he spoke in such a positive and certain way that I really felt that something was coming.

I have been very outspoken in my defense of the Government and opposition of the plans of these people, and quite recently Jim Brown, Nick Peterson and John Raden of the United Carriage Co., who have also been active and loud mouthed royalists, whom I have known for a long time, have avoided me in a very marked way. I tried a short time ago to have some further talk with Nick Peterson, but he said, "I will not talk with you at all; we are on different sides." While I cannot say that any of the people mentioned in this affidavit have exposed any definite plans to me, yet I have had no doubt, particularly in the past few months, that they were actually working evil against the Government. I have noticed that their talk has been more defiant and ugly since the withdrawal of an American war vessel.

(Signed)

M. DAVIS.

Sworn to before me this 20th day of February, 1895.

(Signed)

W. R. CASTLE.

Notary Public.

In the matter of the claim of E. B. Thomas. Affidavit of E. G. Hitchcock.

Hawaiian Islands, {
Island of Oahu. } ss.

E. G. Hitchcock being duly sworn, deposes and says:

From the 23rd day of March, A. D. 1893, to the 31st day of July, 1895, I was Marshal of the Hawaiian Islands coming into office under the Provisional Government, and resigning under the Republic. When I took office, revolutionary talk against the Government, rumors of plans and plottings to overthrow same, and incendiary talk to that effect were all ready matters of fact. The natural unrest of those who had gone out of power by reason of the overthrow of the monarchy I found was stimulated and stirred up to an unnatural degree by the incitement of foreigners, and there was no one among these foreigners more notoriously and assiduously engaged in such actions than E. B. Thomas. His influence was far less than many others who said much less, and I did not consider Mr. Thomas at any time one who would be able to exercise much influence among intelligent men, but he undoubtedly had a considerable influence among a certain class of natives and white mechanics, and was reported to me, when Marshal, and believed by me then and now to be one of very rash temper, just the man to be worked up by skillful and designing men, to do a violent and desperate deed. He was known to me, during my entire incumbency as Marshal, as one who was intemperate and a frequenter of saloons, where he had had rows from political wranglings. During the period that I was Marshal as aforesaid, I knew that he was in the habit of openly talking to natives and others against the Government expressing hopes for its overthrow by force, claiming that it should be overthrown, and otherwise stirring up unrest and discontent. These facts are and have been simply notorious in the city of Honolulu. I had Thomas watched at different times during the years 1893 and 1894, once or twice for several months at a time. It was owing to such mischief as was done by Mr. Thomas and others that an act was passed by the Provisional Government providing for seditious offences, Act 8, Provisional Government Laws. The conduct and remarks of Mr. Thomas were unquestionably calculated to stir up and did stir up discontent and foment sedition and revolution at the very time when the unrest among certain classes of the people made such talk peculiarly effective and dangerous. So frequently were seditious remarks of Mr. E. B. Thomas reported to me, that I finally failed to take special note of them, hoping that he would wear himself out and finally stop; the attention of the Government being more particularly and closely directed at the time to acts and remarks which indicated an actual plot

and plan growing out of the seditious and revolutionary talk to overthrow the Government. The first distinct step taken by Mr. E. B. Thomas, outside of seditious and revolutionary talk was brought to my knowledge by J. L. Osmer, a secret detective in my employ during the months of November and December, 1894. I have read Osmer's affidavit taken by W. A. Kinney at the Station House, February 11th, 1895, and it correctly states in all essentials what Osmer communicated to me from time to time, either directly or through Captain Parker, during the months of November and December aforesaid. I then believed that the conversations between Osmer and Thomas, as related to me by Osmer, and which are correctly set forth in his affidavit, aforesaid, are true, and I believe so still. The acts and conversations of E. B. Thomas for the year and more that I had been in office, prior to his plottings with Osmer, justified the belief that the time would come in his career when he would have either to cease his dangerous and mischievous talk or would be led into some overt act against the Government. Prior to Osmer's reports to me, neither I nor any official, so far as I know, had any knowledge whatsoever of the existence of the fifty pounds of giant powder with the accompanying caps and fuse, which was afterwards found by me through Osmer's information upon the "Haleakala" under the control of E. B. Thomas. It was solely through Osmer that this information came to us, and the discovery of the giant powder by reason of what Osmer had told me, led me to believe that E. B. Thomas was on the verge of doing a desperate and criminal deed. During the months of November and December, in which these conversations took place between Osmer and Mr. Thomas, feeling was running pretty high and excitement and bitterness was growing among the revolutionary element, and none were reported to me as more outspoken than E. B. Thomas, who would certainly have been prosecuted before the revolution, had not other more important events taken place and crowded his case out, to wit: The arrest of Bush, Crick and Nawahi on the 8th day of December, A. D. 1894, for conspiracy, and the collecting secretly of arms for revolutionary purposes, which event and their trial was followed shortly by the revolution itself. When Osmer was finally persuaded on Monday, December 10th, 1894, that Mr. Thomas would go down to the wharf and locate the giant powder and take it away, Mr. Osmer laid this information before the Attorney-General and myself, and he asked that specials be placed upon the wharf to follow up Mr. Thomas, if he attempted to remove the giant powder, so as to see how far he would commit himself in carrying out the proposition he made to Osmer, which was accordingly done. At that time Osmer could not state what schooner was carrying this giant powder, but Mr. Osmer stated to me, and which

does not appear in his affidavit, that the schooner was expected soon with the giant powder upon it. The powder was finally believed by us to be on board the "Haleakala" owing among other reasons to the fact that Mr. Thomas had been on that schooner to the scene of the wreck of the "G. N. Wilcox," and when the specials on Monday, December 10th, who had been posted along the wharf, failed to make any discovery, at the latter end of the week I ordered watch to be made on the "Haleakala," which meanwhile had arrived. Finally I had her searched and thereby located and found the exact number of pounds of giant powder that Thomas had told Osmer he had in the harbor under his control. After the seizure of the powder, Mr. John Walker, assuming to represent a wrecking syndicate who were wrecking the "G. N. Wilcox," and had employed Mr. E. B. Thomas for that purpose, came to the Police Station and claimed the powder, saying that the same had been purchased by the syndicate from the Hawaiian Hardware Company to be used in wrecking the "G. N. Wilcox" and it was understood that whatever powder was not used should be returned to the Hawaiian Hardware Company. At the time that this powder was alleged to have been purchased or procured from the Hawaiian Hardware Company, the sale of giant powder without a permit from the Police Station had been prohibited. A record of such permits had always been kept by the Police Department and in it could not be found any record of this delivery by the Hawaiian Hardware Company to the syndicate aforesaid. The Police Station under the circumstances promptly refused to surrender the powder and Messrs. Walker and Thomas never pressed the claim. Meanwhile came the other events above referred to. This powder remained in the possession of the Police Department until a few months ago when it was, by order of my successor, sent to Messrs. E. O. Hall and Sons for sale on account of the Hawaiian Government. At the time that the powder was seized, the native Master of the vessel was examined by me, and his affidavit was taken later by Mr. W. A. Kinney, after the Revolution, and it will be found among the papers submitted to the Foreign Office in connection with this claim of E. B. Thomas. Particular attention is called to the fact that while the powder, caps and fuse were taken down openly and uncovered to the vessel, they were found later enclosed in gunny bags, tied up, which had been done by E. B. Thomas preparatory to bringing this powder ashore. It was further known to me at the time that Mr. E. B. Thomas was intimately associated with and a friend and follower of T. B. Walker who, upon his own confession, manufactured the dynamite bombs which about that time were being prepared to be used in connection with the Revolution on the 6th of January, and some of which were distributed to Revolutionists and taken by them into the field.

Of course I did not have the proofs of this making of bombs by T. B. Walker before the Revolution, but I had abundance of evidence to satisfy me long before the Revolution came, that he was one of the most dangerous and desperate men among the Revolutionists, and he had in fact been arrested by me and charged with conspiracy to overthrow the Government, but owing, as I believe, to the leniency and short-sightedness of the jury he was acquitted. I have examined the affidavits as to the general character of E. B. Thomas politically, which were taken by Mr. Carter and Mr. Kinney after the Revolution, and while they were examining into the case of E. B. Thomas, and they are a fair sample of what I had heard in season and out of season, all the time that I was in office and from many different sources. I know a number of the affiants in question. Some are British subjects, others American citizens. Affidavits to the same effect could be multiplied indefinitely. He has been an active and persistent intermeddler in Hawaiian politics and has done his best to work common politics into an open revolution against the Government, and it is with all this knowledge and information that I had of E. B. Thomas, as herein above sworn to by me, that I arrested him when the Revolution actually came, as I then believed and was certain that he had unquestionably been a party to the same, and would openly have joined the Revolutionists if they had arrived in the city, according to the original plans, instead of being discovered and shut out some six hours before the start was to be made. Mr. Thomas has been repeatedly mentioned in the reports of my different detectives. Some of them report him as having been present at certain meetings at which the Revolution was planned and plotted and at which he was named as one of the probable leaders of the same. I caused his arrest on the 7th day of January, A. D. 1895, for conspiracy. After his arrest, his case, in common with all others involving complicity in that uprising, was referred to the Military Authorities, represented by the Judge Advocate and others for investigation, and my authority and control over the matter ceased, except that I, through my Jailor, had him in charge. I have read a copy of the statement of Mr. E. B. Thomas, as sworn to before the British Vice-Consul, Mr. T. R. Walker, on April 3rd, 1895, and so far as I am mentioned or involved, I wish to say that with the exception of my simply asking Thomas as to his willingness to sign an agreement to leave the Islands, his statements about me are not facts. I herewith append a statement made by the Jailor of Oahu Prison relative to his treatment of Mr. Thomas while in confinement.

(Signed)

E. G. HITCHCOCK.

Honolulu,
Island of Oahu, } ss.
Hawaiian Islands.

On this tenth day of October, A. D. 1895, personally appeared before me, William Lucas Stanley, a Notary Public for the Island of Oahu, duly commissioned and sworn, residing in Honolulu, in said Island of Oahu, the above named E. G. Hitchcock, who on oath deposes and says that the matters and things herein above stated and set forth are true, save as to those which he avers on his information and belief, and those he believes to be true.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to this 10th day of October, A. D. 1895, before me.

(Signed)

WILLIAM LUCAS STANLEY,
Notary Public, First Judicial Circuit.

(Seal)

In the matter of the claim of E. B. Thomas. Statement of Arthur M. Brown, Marshal of the Republic of Hawaii.

Hawaiian Islands, } ss.
Island of Oahu,

Arthur M. Brown, being duly sworn, deposes and says:

I am Marshal of the Republic of Hawaii, having succeeded Mr. E. G. Hitchcock in that office, on the 1st day of August of this year. Prior to that time I was Deputy Marshal under him, and to a very large extent was cognizant of the secrets of the office, and of information coming into the office through the secret service. I had held office as Deputy Marshal since the month of February, 1893, being associated daily with the Marshal during his entire incumbency aforesaid. I thereby acquired a knowledge of the reputation of Mr. E. B. Thomas, long prior to the time that I became Marshal, and was fully informed of Mr. Thomas' radical stand against the Government. This was a matter of common knowledge in the Marshal's office, and for that matter on the streets as well. The character of Mr. Thomas' conversation was calculated to bring the Government into disrepute and to foment discord, sedition, ill-feeling and unrest. The gist of his talk being that the Government was founded upon fraud, had outraged the natives and robbed them of their rights, and would be surely overthrown by force in a short while, and that it should be wiped out of existence, and that he would never recognize it as a Government, and that the natives should not do so either, and so forth. Since E. B. Thomas was released from confinement in Oahu Jail, for compliciting in the late uprising, I have had occasion to inform myself of his sayings and doings. From

various reliable sources I am informed and am convinced that Mr. Thomas is pursuing substantially the same course that he did prior to the Revolution, and is now saying upon the streets and in the bar rooms that the Government will soon be overthrown by force, and saying it in such a way and under such circumstances as to carry the impression that he has reason to believe what he is saying, and that he hopes and wishes for the result that he predicts. It is my experience and observation that the late Revolution was largely fomented and brought to a head by just such talk as Mr. Thomas is indulging in to-day. The preaching to the natives and others that the Government is an unjust one, and that it has no right to exist and that its overthrow is near at hand, and so forth, is calculated to recreate and prolong the unsettled condition of things which existed prior to the late uprising. Mr. Thomas is perhaps more cautious in expressing himself; but the purpose and intent of his talk is the same which actuated his talk in the past, as far as I am able to judge from the reports brought to me. The Marshal's Department is being run at an extraordinary and unusual expense and taxpayers are carrying the extra burden, on account of just such men as E. B. Thomas. I can truthfully say that he is today, while claiming to be a British subject, a factor in the political situation here, having more to say than most citizens of the country. While it has not been found necessary to make a special study of the acts and doings of Mr. Thomas, he is still under the eye of the Department, and I consider it necessary that he should be, so long as he continues to act as above indicated, so far as the native population is concerned, the Police Department could in my opinion abandon all special alertness without fear of political disturbance, were it not for their being egged on by the talk of such men as E. B. Thomas. I do not wish to be understood as conveying the impression that I consider Mr. Thomas a man of much influence,—quite the contrary; but in a small community like ours, every man counts, and the influence for mischief even of insignificant persons over the ignorant, and with our diversified population, compel the Government to notice even such persons as Mr. Thomas, and the mischief-making that they are up to. Mr. Thomas, owing to his association with the late revolutionary element, is known to be in a position to learn of anything in the way of plots and plans among that class and therefore his public statements in bar rooms and upon the streets, that the Government is about to be overthrown leaves an impression of unrest upon the minds of some at least who desire peace, and what is still more important stimulates and encourages others to continue holding out against the Government, and to refuse to give in their allegiance.

(Signed)

A. M. BROWN,
Marshal Republic Hawaii.

Subscribed and sworn to this 10th day of October, A. D. 1895, before me.

(Signed)

(Seal)

W. L. STANLEY.

Notary Public.

In the matter of the claim of E. B. Thomas. Statement of James A. Low.

Hawaiian Islands, }
Island of Oahu. } ss.

This is to certify that I have read a sworn statement made by one, E. B. Thomas, under date of April 8th, A. D. 1895, to H. B. M's. Consul, Mr. Thomas Rain Walker, appertaining to his treatment during his confinement at the Oahu Prison in the month of January last, A. D. 1895, and that the same so far as it assumes to describe his treatment in the Oahu Prison is false. I will state that as much as could be was down for Mr. Thomas' comfort. That I immediately telephoned to his friends within fifteen minutes after his arrival at the Jail for mattresses, bedding, and clothing, and put myself out considerably so to do. That he was received at Oahu Prison at 4 p. m., January 7th, 1895, and was searched for knives, pencils, etc., as per Prison rules, and shortly afterwards was locked in a room, in one of the outer corridors. The same was furnished with a hammock, blankets and a covered bucket, notwithstanding his statement to the contrary, all in good and clean condition, and that at 7.50 a. m. next morning he was released and ate a breakfast of cooked beef, potatoes, onions, bread, rice, taro and tea, which was the fare given all foreign Political Prisoners, and was not again locked up until 11:45 a. m. As to the fare given him, every foreign prisoner can verify my statement. On this Tuesday morning the Turnkey asked Mr. Thomas along with the others which occupied the same corridor in which Mr. Thomas was situated, and were not all ready so doing, to take their buckets with them. That one of the gentlemen of that corridor instantly remonstrated (Mr. John Bowler) and appealed to me, I being immediately below them in the yard, speaking as if he was the spokesman for them all, stating that they were not criminals, and had done nothing; but were gentlemen, and British and American citizens, and should be treated as such. That I answered them that they were correct and that they would not be compelled to do the work of carrying their buckets from their rooms to the yard, and that I thought they had misunderstood the Turnkey, for he had not intended that they should wash or empty their buckets. I then immediately gave orders that all work of taking the buckets, scrubbing and sweeping of the rooms must be

done for those gentlemen. And I know it was done, and that Mr. Thomas deliberately falsifies in his statement to the contrary. The rooms contained covered buckets continuously, and were used principally for urinating purposes. They were removed morning and evening. When Mr. Thomas desired to go to the closet during the hours in which he was confined to his room, other than between 7 p. m. and 5 a. m., he was released by the Turnkey for that purpose, and allowed to go to the closet in the yard. I know he took advantage of this privilege, as I saw him often so doing. Mr. Thomas was again released in the afternoon, on this same day, the 8th of January, for his supper, at 4 p. m., and again locked up about 5:45 p. m. On the next day (Wednesday, the 9th), he was released with others from his room in the morning, at noonday and in the evening, for a period of time covering from 4 to 4 and a half hours per day. This system was continued until his release.

In reference to that portion of his statement which reads as follows: "Mr. Low, the Chief Jailor, also told me that if I did "not sign to go away, the least I would get would be five years "imprisonment, and that none of those in Prison under arrest "would get off unless they signed." I say that it is false and untrue, for I never advised or threatened him in this manner, and never sought to converse with him on this subject, and I remember him often in his eccentric way broaching the matter to me, especially after his book-keeper had left him, I also remember his book-keeper, Mr. Tietjen, asking me to persuade him to take the opportunity of going away. This was done at a moment when Mr. Thomas had absented himself from the office for some soiled clothing which he wanted the book-keeper to take with him. I told Mr. Tietjen it was very much out of place for me to do so, and I could not advise Mr. Thomas in the matter, nor did I ever advise him.

(Signed)

JAMES A. LOW,
Jailor Oahu Jail.
Oct. 9th, 1895.

Honolulu, }
Island of Oahu. } ss.
Hawaiian Islands, }

On this tenth day of October, A. D. 1895, personally appeared before me, William Lucas Stanley, a Notary Public for the Island of Oahu, duly commissioned and sworn, residing in Honolulu, in the said Island of Oahu, the above named James A. Low, who on oath deposes and says that the matters and things hereinabove stated and set forth are true, save to those which he avers upon his information and belief, and those he believes to be true.

(Signed)

JAMES A. LOW,

Subscribed and sworn to this 10th day of October, A. D. 1895, before me.

(Signed)
(Seal)

WILLIAM LUCAS STANLEY,
Notary Public.

In the matter of the claim of A. McDowall. Statement of Ex-Marshall E. G. Hitchcock.

Oahu. }
Honolulu, } ss.

E. G. Hitchcock, being duly sworn, deposes and says:

Within a few months after my assuming the Marshalship of the Hawaiian Islands, I became acquainted with the fact that Arthur McDowall of Honolulu was very violent in his talk against the Hawaiian Government; he was at that time running or keeping the "King Street Lodging House," situated on the corner of King and Alakea Streets.

The King Street House had the reputation of being almost exclusively occupied by persons known to be, or strongly suspected of, strong Royalistic tendency. Accordingly, instructions were given by me to my detectives to properly watch Mr. McDowall and his premises, and the instructions were carried out, and from time to time reports were made to me of what was seen and what McDowall's true position was. At times my detectives rented rooms in the King Street House and were able to make truthful statements as to events transpiring at the King Street House, during their stay there, and did, so I believed and still do believe, make truthful statements of all matters coming under their knowledge concerning McDowall and other persons residing there.

Mr. McDowall was a resident at the King Street House from January, 1893, until the 7th day of January, 1895, and was the keeper of the King Street House during the whole of that time, and until his arrest, for conspiracy against the Republic of Hawaii, on the 7th day of January, 1895.

The reports made to me from time to time, sometimes written reports and more frequently verbal reports, relative to Mr. McDowall, during the period as between April 1, 1893, and January 7th, 1895, all gave good proof to my mind that Mr. McDowall was inciting, by his language as against the Government, all over whom he had influence, to overthrow the Government. Reports were sent in or brought me that boxes of ammunition had been seen in and around the King Street House, and also of Mr. McDowall's oft repeated statement that the Government was a government of thieves and robbers, and rotten, and that he had arms and ammunition in his possession, and was ready and would fight for the purpose of overturning the Government and restoring Mrs. Dominis or "The Queen" as he called her, to her throne; he also was reported to

me by others whom I knew to be supporters of the Government, but who were not employed by the Police Department, as using expressions that would lead to the belief that he was a pronounced enemy to the Government, and would do anything in his power to aid in the overthrowing of the Government. I did not consider Mr. McDowall as capable of being one of the chiefs or leaders of the Rebellion, but he was able to incite, by his talk, such persons as were in his own rank of society and lower ranks also, to overt acts against the Government, and I at the time of ordering his arrest, did so because I believed and felt sure that he had been and still was one of the whites who had promised their armed assistance to the Hawaiians to overthrow the Government and restore Mrs. Dominis, and was guilty of conspiring to overthrow the Government and that it was dangerous, the Revolution having commenced, to leave him any longer at liberty.

After his arrest and placing in the Oahu Prison, I had nothing more to do with him except when he requested Jailer Low of Oahu Prison to telephone to me to go over and see him in re his signing the paper that allowed him to be set at liberty; I at that time used no reasons or threats of any kind to get him to sign the paper, as at that time the matter so far as I was concerned as Marshal, was not in my jurisdiction.

I attach hereto a copy of said agreement marked Exhibit "A."

I herewith attach Jailer Low's statement, marked Exhibit "B," as to what Mr. McDowall alleges, in his complaint about his treatment while in Oahu Jail.

I also attach hereto extracts, marked Exhibit "C," from the written reports of Johnstone, then one of my detectives about McDowall which will serve as specimens of what I heard from many sources of this claimant.

Mr. McDowall was arrested on January 7th, 1895, and discharged February 15th, 1895. He was charged with conspiracy and the same was duly entered in the Official Record at the Receiving Station of the Police Court.

Mr. McDowall, in his statement, says he frequently asked what he was charged with but does not state who he asked or any particulars; all I can say is that he never asked me directly or indirectly. He had a lawyer and was in communication with the British Minister and there would have been no trouble to find out.

Mr. McDowall's charge that I asked or urged him to leave February 15th, or at any other time is false. Jailer Low telephoned to me on the 15th, that McDowall wished to see me and wanted to leave the country, I went out and took with me the form of the agreement we were using. McDowall saw it, agreed to it, without any talk on his or my part, and I went back to the Police Station to draw up the agreement with his name and the Steamer he was to sail on and the date of sailing

inserted which I did. I then returned to the jail he signed the paper packed up his effects and left, that is all there was to it.

When the time came round for his departure he was unable to secure passage. He came to my office and signed another agreement hereto attached market Exhibit D. His passage was paid by the Government.

Mr. McDowall's reputation for truth and veracity is very bad.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Exhibit "A."

Whereas I, Arthur McDowall, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said Arthur McDowall in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Warrimoo" leaving Honolulu for the British Colonies on Feby. 24th, 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 15th day of February, 1895.

(Signed)

ARTHUR McDOWALL.

Witness:

E. G. HITCHCOCK.

JAS. A. LOW.

In the matter of the claim of A. McDowall. Affidavit of J. A. Low.

Hawaiian Islands, }
Island of Oahu. } ss.

J. A. Low being duly sworn, deposes and says:

I have read the complaint of Arthur McDowall to the British Government, dated February 21st, 1895, and in so far as his treatment at Oahu Jail is concerned I have this to say:

He was brought into the prison, on Monday night, January 7th with some 27 natives, whom I understood were prisoners of war, that is in actual hostility towards the Government. It seems that all of them were but McDowall, but I did not learn that until 48 hours after he had been in jail, when he made it known to me, and I then immediately removed him to a corridor occupied by committed prisoners who were arrested for complicity in this uprising; but who were not known to have been in actual hostilities in the field.

I had received no express instructions to classify these prisoners; but did so under the discretion allowed me as jailor. The distinction that I drew between the prisoners of war and those who were arrested for complicity in the uprising was simply in the matter of liberty. The parties who were arrested for complicity in the uprising but who were not found in the field, I felt charged to see to their comfort first, and to give them privileges over and above those who were out and out prisoners of war. There was so much confusion and such large bodies of men were being brought into the jail that I could not do all that I wanted for everyone right off; but in choosing who should have the preference I gave it as above indicated; and as soon as I learned that McDowall was not a prisoner of war, I put him at once with the other class and gave him all the privileges I had been giving to others.

About 48 hours after his arrival at Oahu Jail the change was made as above referred to.

Mr. McDowall's statement that he was not allowed a bed, hammock or blanket until the eleventh day of January, 1895, is an unqualified falsehood. He had a hammock and blankets as all prisoners have, and I told him as I told all of them that they could have their own beds and clothing, and that I would telephone or send word for their effects if they so desired; and next day, Tuesday, January 8th, at his request I forwarded a note addressed to his wife for his effects, and as soon as they arrived Wednesday, January 9th, I gave them to him. It included bedding as well as clothing. My official record shows the time.

His statement that he was not allowed to have soap for the purpose of washing is simply absurd. Prisoners wash at one place, a large bath house, which has five or six showers for bathing and from half a dozen to a dozen buckets for individual washing. Soap galore is there and half a dozen or so of large roller towels, replenished three times a day, always hang there. There never is a time, night or day, that the place has not soap.

Mr. McDowall was locked up it is true, with a native for the first thirty-six hours, and the native may have been dirty until the morning after his arrival at the prison, for these men were taken right off the field at about dusk Monday night and were

brought right in to the Station House and from there to the jail arriving at about nine o'clock. We could not do anything in the way of cleaning them up that night; but the next morning they all bathed and put on clean clothes. Many of them had their clothes sent to them by their relatives and those few who did not were supplied with clean clothes from the jail while their own were drying. If Mr. McDowall did not bathe until Saturday it was from choice and not from want of opportunity.

For the first forty-eight hours he was given about two hours liberty out of the twenty-four, and after that he had four hours and over per day.

I wish to state here that all the foreign political prisoners finally got the same liberty, to wit: four hours and over per day; but for the first day after they were received the liberty of some, was not so great owing to the fact that I had to classify it, and arrange their position in the prison in order that they could get the regular four hours that I was seeking to give them all.

I divided the political prisoners up into two distinct classes. Prisoners of war and those who were charged with complicity in the uprising though not taking part in actual hostilities. These two sets were kept apart, and had liberty at different times.

Mr. McDowall in his statement further says that he was told to shut up and go to hell and that other similar remarks were passed during his confinement. He does not state who made these remarks, or whether they fell from the lips of other prisoners or guards. All I can say is that all profane or harsh language towards prisoners is strictly forbidden by the Prison Rules, and I see to it that my guards live up to the rules, as I am personally averse to such methods, and will not allow them in the jail. Any guard who would use such language to a prisoner under any circumstances would be dismissed by me instant, and I should want more than the proof given by Mr. McDowall's statement before believing that any of my guards had used such language to him. Certainly it was not reported to me.

If these remarks were made, they were more than likely made by inmates of adjoining cells, for as far as prison discipline was concerned at that time, I wish to say that from the prisoners I exacted nothing but that courtesy that is due from one gentleman to another, and allowed them to talk, sing, joke, laugh and enjoy themselves as best as they could.

As to the food, he received the same food as other foreign prisoners: Tea, crackers, soft bread, soup, beef, potatoes, taro, beans and pork.

Mr. McDowall refers to certain visits made by J. A. Magoon, such visits were made at Mr. McDowall's request, who engaged Mr. Magoon as his lawyer, and asked me to send for

him, which was done. I further allowed Mr. Magoon on his second visit to have private consultation with Mr. McDowall as his attorney. What they said I do not know; but Mr. Magoon certainly was not there for any other reason than that he was sent for by Mr. McDowall.

Mr. McDowall makes the following statement in his complaint to the British Government:

On Friday, the 15th February, Marshal Hitchcock interviewed me and wanted me to leave on the "Alameda" then hourly expected. I refused positively and then was locked up in a cell without any window and no light but what would come in through the door from the dark cell, again I was interviewed and on account of the severe strain brought to bear on me by my wife, who had been sent to me that morning and the other officials I consented to leave here by the "Warrimoo" on the 23rd February, 1895.

In reference to the above statement I wish to say that on Friday, the 15th day of February, Mr. McDowall while at liberty, and after his wife had visited him that morning came to me and said that he wished to see Marshal Hitchcock. I think he told me that he wanted to leave the country or at any rate, I got the idea that that was what he wanted, and telephoned for Marshal Hitchcock, and he brought with him the form that was used in these cases and showed it to Mr. McDowall. Mr. McDowall was agreeable and Mr. Hitchcock told him that he would return to town and fill out a form for him, and name the date and steamer by which he was to leave, and would return later. He did so, and that afternoon McDowall was released. I wish to state distinctly that no change was made in his room that day. He was still occupying the same cell that he had occupied for some time back.

I had nothing to do with his wife's influence over him nor did I send for her that day. She visited him frequently as the wives of most of the prisoners did.

Mr. McDowall had access whenever he so desired to his Minister, during his confinement, and his wife, friends and counsel were also allowed to see him.

I wish to state that in all statements that I have made, concerning the treatment of political prisoners, including McDowall, I have not thought it necessary to bring forward the affidavits of other persons in support of my statements; but I can furnish abundant outside evidence to support my statements if necessary, both from guards, political prisoners, common prisoners and visitors at the jail.

(Signed)

JAMES A. LOW.

Subscribed and sworn to before me on this 31st day of October, A. D. 1895.

(Signed)

EDWIN A. JONES.

Notary Public.

Exhibit "C."

In the matter of the claim of A. McDowall.

Jas. B. Adams, alias Johnstone, living at the "King Street Lodging House" kept by A. McDowall, reports under date of March 21st, 1894, as follows, viz:

"There is probably not in this city a more embittered royalist than the proprietor of this house. He is if possible even more prejudiced than Walker. He is cunning and very deep, consequently what information can be ferretted out of him can only be got at by extreme cautiousness and slow stages.

He stated rather bombastically, I think, the other evening, that if there were among the royalists six such men as himself he would quickly re-take the Palace.

His plan of action would be to have bombs exploded in different parts of the Palace the same time. The explosion would disorganize the garrison and capitulation would speedily follow."

Under date of May 10, 1894, he reports as follows:

"McDowall was visited by a young man last Sunday, who told him that he was going off to one of the other islands.

"He was advised by McDowall not to go as there was going to be a big change in a few weeks and then he would be sure of a good job. The man, however, wisely rejected this advice, but was assured by McDowall that when he returned he would find him in much better circumstances."

Nov. 8th, 1894, he reports as follows:

"McDowall came to me and said he had just been informed by a member of the Schuetzen Club that the existence of the present Government was only a matter of a few days as there were to be active measures taken to reverse the present order of things.

"McDowall assured me that arms had either already been or soon would be landed on this Island, and that the utmost caution would be taken in landing them as it was believed that the Government had got wind of the matter."

"He has not been very fortunate lately but he was offered a job to start to-day. He would not start however, as he had been advised to wait until after the 20th.

"This is what he told me, a schooner would be sent off from Vancouver by Widemann who would at once make for San Francisco and sail from there for Honolulu. A few days after his arrival the schooner would be landed on the other side of the Island and discharge her guns and ammunition.

"The natives and royalists would then assemble over there and twenty-four hours' grace would be given the Government to get out or fight."

Exhibit "D."

In the matter of A. McDowall.

Whereas I, Arthur McDowall, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said Arthur McDowall, in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Mariposa" leaving Honolulu for the British Colonies on March 14, 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 25th day of February, 1895.

(Signed)

ARTHUR McDOWALL.

Witness:

E. G. HITCHCOCK.

J. K. KANEPUU.

In the matter of the claim of A. McDowall. Affidavit of W. A. Kinney.

Hawaiian Islands, {
Island of Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says:

Among the cases arising out of the insurrection last January, and turned over to me for investigation, as Judge Advocate, was that against A. McDowall, charged with conspiracy.

Marshal Hitchcock communicated to me what he knew about McDowall, which is in substance what he has set forth in his affidavit herein, and which I have read.

I considered that anyone who used such language and conducted himself as Mr. McDowall seems to have done, needed further investigation. Certainly there was nothing to justify his release until all available evidence in regard to the conspiracy had been gone through with, as everything seemed to indicate that Mr. McDowall must have been privy to the uprising and planned to take a part therein. I fully explained in my affidavit in the case of W. F. Reynolds, the position

occupied by the foreign prisoners detained in connection with that uprising, and the course pursued by the Government in the investigation of their cases.

McDowall's case stood in the same category as those of Thomas, George Lycurgus, F. W. Harrison, F. H. Redward, T. Rawlins and Carson Kenyon, to wit: I considered McDowall's case one in which it was our duty to detain him, on the showing made by the Marshal, until all the available evidence in regard to the conspiracy and himself had been exhausted before coming to any final conclusion as to what to do.

This course was pursued with McDowall. I took a number of statements in verification of the Marshal's report as to McDowall's manner of talking and acting. Some of them I had reduced to writing, and attach them hereto, to wit: Affidavits of James Black, J. A. Donelly and A. B. McEvoy, and W. H. Smith. This personal investigation satisfied me that McDowall had laid himself open many times over to an accusation of violating the Act against Seditious Offences.

Before I had completed my investigation of the case, and decided whether he was guilty of anything more, he signified his willingness to leave the country, and signed an agreement to that effect, and I gave no further attention to his case.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Affidavit of Thomas Black re Arthur McDowall.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

Thomas Black, being duly sworn, deposes and says:

I was born in Scotland 27 years ago, and have resided in this country 18 months; employed by the Honolulu Iron Works Company as an engineer, and reside with Mr. Reid, pattern maker in the same establishment, on Kinau Street. Know Arthur McDowall, he is now under arrest. I have known him since I came to the country. I have often heard him indulge in violent talk against this government, particularly when he was under the influence of liquor, but I did not pay much attention to it, because I really consider him a nonentity. He talks violently against the government when under the influence of liquor, and if he was to do half of what he said he would do, he would make serious difficulty, but I never have attached much importance to anything he said. He is unre-

liable and just what he would or would not do would be very hard to say.

(Signed)

THOMAS BLACK.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER,
Notary Public.

Affidavit of James Donnelly re McDowall.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

James Donnelly, being duly sworn, deposes and says:

I am a government school teacher teaching school at Kalihi Uka, and have resided in this country 16 years. I am a married man. I know Arthur McDowall, and have known him for four or five years. I used to room at his house on corner of King and Alakea, in Honolulu. I roomed there occasionally from time to time. I was at his house on the last Sunday of December, and at that time had a conversation with him in which he said, in reply to my saying. "The Queen will never go back, you may give that up." "I know better, she will be back not only in a few days but in a few hours perhaps." So I gave that information to a detective, Mr. W. H. Smith, about ten minutes after I got it myself. Mr. McDowall is an ardent royalist. I make this statement because he himself has repeatedly said in my presence that he was a royalist, and his talk has all been that way, and he has frequently talked upon the subject, always adhering steadily to the proposition that the Queen would be restored. I advised him to quit such talk and to make his peace with the government, but he is a man that once he gets an idea into his head it is apt to stay there and no persuasion or argument can change his mind; in fact, I really think that he is a little light headed, half crazy you may say, and to a certain extent irresponsible for his actions and what he says. He is a man who might do something rash or foolish at any time. I remember his saying on one occasion about two months ago that his residence, which is on the corner of King and Alakea, to wit, the King Street House, would be a good place to shoot from in all directions pointing at the time in the direction of the Executive Building and the Government Building which are not far away. When he told me on that Sunday evening that the Queen would be restored within a few hours. I upon leaving advised him to keep out of any trouble. Then I told him in the presence of his wife saying, that he would otherwise get himself in trouble. He merely

replied, "Oh that is alright," or words of that effect. He has been a royalist from about the time of the overthrow as far as I know. My conversation with him in which he has declared he was a royalist date back some time. He is in many respects a well-meaning and harmless man, but he seems to be very stubborn bent on the subject of politics. He is a Scotchman and his wife is an English lady. I was born in Ireland, came to the United States when I was about 18 years of age, and am a citizen of the United States.

(Signed)

JAMES DONNELLY,

Subscribed and sworn to before me this 9th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER,
Notary Public.

Affidavit of A. D. McEvoy in re Arthur McDowall.

Island of Oahu. }
Honolulu. } ss.

A. D. McEvoy, being duly sworn, deposes and says:

I have been in this country since December 15, 1893 and have been in the secret service here since December 18, 1893. Have known Arthur McDowall for over a year. Have heard him use violent language against the present government on several occasions. He has spoken against President Dole, the members of his Cabinet and Marshal Hitchcock. On July 5, 1894, I met McDowall on the corner of Fort and King Streets, and he then expressed himself as follows: "I am sorry that President Dole is not the one that has been assassinated instead of Carnot." He also said that Dole's head should be blown off, that there was not much in it any way and it would be a small loss, and that the other members of this government were no better.

(Signed)

A. D. McEvoy.

Subscribed and sworn to before me this 10th day of February A. D. 1895.

(Signed)

ALFRED W. CARTER,
Notary Public.

In the matter of the claim of A. McDowall. February 9, 1895.

W. H. Smith: Am McDowall's brother-in-law. Know he is a pronounced royalist. When Minister Willis came here McDowall told me the Queen was sure to be restored. He used to

talk restoration so often he made me tired. We finally had a quarrel over politics and I told him to get out. Lately he has had very little to say to me. He is a notorious liar and drinks heavily. Don't think Camarinos takes any stock in him, because his wife blamed Camarinos for getting her husband drunk about a year ago.

McDowell never let on to me that he knew this rebellion was on foot. Lindsay, the jeweler, is an associate of McDowall.

I hereby certify that the above writing contains a true statement of the substance of what W. H. Smith told me Feb. 9th, 1895, while I was assisting in the investigation of McDowall's case as Deputy Attorney General. It is in my hand writing and I took it down at the time Smith made it and left it with the Marshal.

(Signed)

A. G. M. ROBERTSON.

Subscribed and sworn to before me on this 31st day of October, A. D. 1895.

(Signed)

EDWIN A. JONES,
Notary Public.

In the matter of the claim of A. McDowall. Further Affidavit of W. A. Kinney.

Honolulu, }
Oahu. } ss.

W. A. Kinney, being duly sworn, deposes and says.

Since making my affidavit herein I incidentally discovered further evidence against McDowall in a conversation with Charles Clark yesterday, October 31st. I have been going over McDowall's case and was reviewing in my mind my uncompleted investigation of the same and referred to the matter in my conversation with Clark, who was in my office in regard to other claims. He told me what is set forth in his affidavit hereto attached marked Exhibit A.

I went to Mr. Wight, President of Wilder's Steamship Company and also to T. R. Mossman, Clerk for W. R. Castle, and found that they corroborated what Clark had said in regard to them. I have no way of accounting for Clark's knowledge of what had happened between Davis and Wilder's Steamship Company and between McDowall and Castle except in the way indicated by Clark. His relation with either Mr. Wight or Castle was not such as to justify the proposition that he had acquired his knowledge directly or indirectly through either of them. Nowlein is now at Lahaina, Maui, and there is no way of communicating with him before the time set for these papers to be returned to the Foreign Office. I attach the affi-

davit of C. L. Wight and T. R. Mossmann marked respectively Exhibit B and C.

I consider the matter of sufficient importance to report it herewith. If I had gone on with the investigation of McDowall's case January last I would have surely discovered this evidence and would have been able to use it, for Clark was being interrogated at the time on the different cases as they came up and was furnishing very valuable evidence which never once to my knowledge was proven to be false.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Exhibit "A."

In the matter of the claim of A. McDowall. Affidavit of Charles H. Clark.

Island of Oahu. }
Hawaiian Islands, } ss.

Charles H. Clark, being duly sworn, deposes and says.

Sometime during the latter part of 1894, I had two or three conversations with Mr. A. McDowall in regard to the chartering of the steamer "Waimanalo," with the intention of having her used to assist in the landing of arms for use by those who intended to overthrow the Government.

The way of it was this:

Captain Davis, who was supposed to own the "Waimanalo," though he was tied up to W. R. Castle in such a way that Mr. Castle had the control and disposition of the boat.

Davis had formerly worked for the Wilder Steamship Company, and was in command of the "Waimanalo." He was supposed to have a pretty good prospect of returning to the employ of the Wilder Steamship Company, and in that case he would have to make disposition of the "Waimanalo."

Mr. A. McDowall was known to Samuel Nowlein and to most everybody for that matter as a sea faring man who had had considerable experience in navigating around the island of Oahu. He was also known to us as a very strong royalist and one who was understood to be ready to serve the cause in any way he could.

The way I came to talk with McDowall was this: It seems that McDowall was negotiating for the chartering of the "Waimanalo" on the supposition that Davis was going back to Wilder and Company. While these negotiations were pend-

ing Nowlein used me as a messenger and sent me to McDowall to tell him to secure the charter of the "Waimanalo" from Mr. Castle at all events, and to spare no expense necessary to secure her. I came down and met McDowall on Merchant Street, somewhere between the bank and Fort Street. McDowall was in the habit of standing around that street. I delivered my message to him. He seemed to understand, and in reply said that he was waiting for an answer from Mr. Castle, and then the bargain would be closed. I surmised from McDowall's manner that he must have had some communication with Nowlein before that, for he seemed to know all about it, and did not ask any questions, or make me explain anything.

I went back to Nowlein with the answer from McDowall.

The next day I went again to McDowall by Nowlein's direction, and told him to ask McDowall how it had turned out, whether he had got the charter or not. I found him down on Merchant Street again. He told me that he had not got his answer yet from Castle.

There was nothing further said and I went back to Nowlein and delivered the answer.

Two or three days after that second interview with McDowall, I went again to him, being sent by Nowlein to ascertain the result. Nowlein seemed anxious to know about it. I found McDowall, and he then said that he could not get the "Waimanalo," as Davis was going to keep her himself.

I took that message back to Nowlein. Nowlein seemed put out, and said, "Well, I will have to get somebody to go to 'interview Davis. We have got to get some boat to land the 'arms from the schooner that is coming.'"

I knew before that that a vessel was coming from San Francisco with arms for the uprising which vessel did arrive, and the "Waimanalo" was secured from Davis and used for the purpose that we intended to use her for, if McDowall had obtained the charter.

Before I spoke to McDowall he was running some kind of a craft,—a small steamboat I think,—to certain parts of this Island, and also up once or twice to Molokai, to the wreck of the "G. N. Wilcox." Nowlein asked me if I thought that this steamboat of McDowall's was large enough to be used in landing the arms from the schooner. I told him that I did not think so, that she was too small.

That ended the conversation, and nothing more turned up in connection with McDowall until Nowlein sent me to him as above stated.

(Signed)

C. H. CLARK.

Subscribed and sworn to before me this first day of November, A. D. 1895.

(Signed)

WM. J. FORBES,
Notary Public.

In the matter of the claim of A. McDowall. Affidavit of C. L. Wight.

Honolulu, }
Oahu. } ss.

C. L. Wight, being duly sworn, deposes and says.

I am President of the Wilder Steamship Company, and held that position during part of the month of November, and the whole of December, A. D. 1894. Our Company bought the Steamer "Daisy Kimball" in the month of November, 1894. Either during the week previous to December 1st, 1894, or the week after that date I offered the command of the new steamer, which we re-christened later on, the "Kihalani" to Captain William Davis, with a salary of \$150 a month, provided he would take the Gold Cure, having been discharged by us sometime previous for gross intemperance and other misconduct. Captain Davis, at the time, represented to me that he was in financial straits and he was very anxious to accept my offer, he was running the "Waimanalo" at the time and was ostensibly its owner, but he had bought her on credit and he had not been able to meet his obligations. He was in urgent need of funds. Davis represented to me that W. R. Castle was the principal creditor in connected with the "Waimanalo," he further said that he would make arrangements to have the "Waimanalo" run, he retaining the ownership. He agreed to take the Gold Cure.

I considered the matter closed and knew nothing to the contrary until a few days after when Davis came around to me in a very cavalier and off hand way, very different from his manner while making the arrangements, and told me that he had found something that would pay him very much better and he did not need to have to take the Gold Cure either. That ended the matter.

(Signed)

C. L. WIGHT.

Subscribed and sworn to before me this first day of November, A. D. 1895.

(Signed)

EDWIN A. JONES,
Notary Public.

Exhibit "C."

In the matter of the claim of A. McDowall. Affidavit of T. R. Mossman.

Honolulu, }
Oahu. } ss.

T. R. Mossman, being duly sworn, deposes and says.

I am bookkeeper and clerk in the law office of W. R. Castle,

now in Washington, D. C. I remember Arthur McDowall coming to Mr. Castle and desiring to charter the Steamer "Waimanalo," which, though ostensibly owned by Captain William Davis was in fact tied up for debt in the hands of W. R. Castle, so that Mr. Castle had the say so and control over it. McDowall came to the office and said that he heard that Captain Davis was going again into the employ of the Wilder Steamship Company and he wished to charter the "Waimanalo" and run it, and offered \$75 a month net for her, and further offered to insure her for \$1000 against loss. Mr. Castle thought favorably of the plan and a charter would undoubtedly have been made had not Captain Davis concluded to stay on and run the "Waimanalo." McDowall was in our office several times about it.

This proposition by McDowall to Castle, and his visit to our office was while the "Daisy Kimball" was undergoing repairs at the wharf in Honolulu, and just before she was re-christened the "Kihalani" about the last of November or the first week in December, 1894, I should say.

(Signed)

THOS. R. MOSSMAN.

Subscribed and sworn to before me this 1st day of November, 1895.

(Signed)

WM. J. FORBES,
Notary Public.

In the matter of claim of C. W. Ashford. Statement of E. G. Hitchcock, Ex-Marshall of the Hawaiian Islands.

Hawaiian Islands, }
Island of Oahu. } ss.

E. G. Hitchcock, being duly sworn, deposes and says.

That Clarence W. Ashford came to the Hawaiian Islands about the year 1882 or 1883, being an attorney by profession, and a relative of William Wilder, who afterwards became Chairman of the Advisory Council, under the Provisional Government, and President of the first Senate under the Republic. Mr. Ashford procured a license to practice law through letters of denization granted him by King Kalakaua, and has since then practiced his profession in the city of Honolulu. He has been active in politics from the first, having been appointed Attorney General of the then Kingdom in 1887. He continued in that office until 1890, being associated in the Cabinet with L. A. Thurston, late Hawaiian Minister to Washington. In 1892, he was elected representative to the National Legislature from a district in the city of Honolulu, after a very bitter personal campaign, in which he for the first time openly appealed to the natives as against the foreigners, his

actions and policy prior to that time being as strongly tinged with prejudice against the natives and their political advancement as they finally seemed to be against his own race. Mr. Ashford was in Hilo, on the island of Hawaii, attending a term of court at the time that the ex-Queen attempted to promulgate a new constitution and was overthrown. For sometime thereafter, he was non-committal, being trusted, apparently neither by the Government or the adherents of the late monarchy. Some months after the Provisional Government was established, with Sanford B. Dole at the head, Mr. C. W. Ashford and his brother V. V. Ashford, tendered their services to the President to do anything that might be required of them. The Government never seemed to act upon this proposition and gradually Mr. Ashford drifted into the ranks of those who advocated the return of the monarchy or at any rate the overthrow of the present Government, and finally developed into one of the most bitter and yet ablest leaders and advisers of that element. In support of this statement, I attach hereto, marked Exhibit "A.", a report of a Royalist public meeting headed by Mr. Ashford, as it appeared in the next day's issue of the "Advertiser."

When I took office, as Marshal, in March, 1893, he had not taken a decided stand; but later in the year 1893, from information coming to me through reliable sources I set him down finally as an opponent of the Government and had him watched, though he was still non-committal, in his public utterances. Finally he came in to me and demanded to know what I meant by having him watched, and I told him frankly that I was having him watched because I found out that he was an enemy of the Government though he had not so far shown it openly, and that I had him watched as I claimed the right to do with anyone who I found hostile to the Government, (revolutionary and seditious talk at that time being already a matter of fact). When the adherents and advocates of the late monarchy gravitated into talk that indicated sedition and intention to revolt, Mr. Ashford became extremely discreet, and though naturally outspoken and aggressive to a fault, kept unnaturally silent. I trusted Mr. Ashford in his silent less than ever, and kept my eyes on him and in the latter part of 1894, reports commenced to come in to me, through my detectives, connecting Mr. Ashford's name with the Revolutionary element, in other words, I found that Mr. Ashford was being named and considered as one of their own number by the revolutionary element, and set down as one of their leaders, though it was impossible at the time to trace definitely how he came to occupy that position in their minds. During the last three or four months of 1894, I found that Mr. Ashford was going frequently to Washington Place, (the Queen's Resi-

dence) at night as well as by day; but more particularly by night. Mr. Ashford often went in at the front gate and came out at the rear, either along the Church of England Cathedral yard and school or by McKibbin's lane, either of which ways are too round about and secluded to be used for ordinary purposes. He was also reported to me from several sources unconnected with each other as being in attendance at meetings of revolutionists at which ways and means for overthrowing the Government by force were discussed and planned, he taking part in such plans and discussions. When the revolution came on the 6th day of January, 1895, I felt justified in arresting C. W. Ashford. I considered it unsafe to allow that man at large for one minute longer than was necessary. The revolution at the time was still unbroken, men being still in the field armed and resisting by force the authority of the Government. An uprising of the hostile elements in the town was more than likely at any time. Large bodies of citizens were guarding the streets night and day for the very purpose of preventing such an uprising. At the time of Mr. Ashford's arrest, it was known to me and the Government that bombs had been manufactured, which were then in the hands of the revolutionists, and it was uncertain how many they had or how they were divided or where located and finally, I considered C. W. Ashford to be one of their ablest and yet most unscrupulous leaders, and one best fitted to organize a counter uprising against the Government, in the city. I arrested him for conspiracy, said charge being entered against him on the Police Court Record at the time of his arrest. He was further informed in person by the Attorney General, within a very short time of his arrest, of the causes of his arrest, and before his removal to Oahu Prison. After his arrest, he in common with others arrested for complicity in the uprising were turned over to the military authorities, my duties then ceasing except to render assistance in securing evidence and to detain the prisoner until he could be dealt with by the authorities aforesaid. I laid all the evidence I had in reference to C. W. Ashford before the Military Authorities; but otherwise they had the control of his case from that time on. Yesterday, I heard casually, of a conversation between Professor Scott, Principal of the Public High School, in this city, and Mr. Ashford which took place in San Francisco recently, while the Professor was visiting the Coast on his vacation. It illustrates so clearly how dangerous it would have been to have allowed Mr. Ashford to remain at large, that I take the liberty of attaching hereto his affidavit, which I have obtained from him this morning. I also submit herewith affidavit of J. A. Low, Jailor of Oahu Prison, as to certain matters complained of by Mr. Ashford, in his statement to the British Government, within the jurisdiction of Mr. Low. I not only

have had C. W. Ashford watched here in the Hawaiian Islands; but also had him watched when he went to San Francisco in the early part of 1894, Chief Crowley furnishing me with a detective for that purpose. His entire course and conduct from the latter part of 1893 on, satisfied me beyond doubt that he was conspiring, planning and plotting all along to destroy this Government.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

In the matter of the claim of C. W. Ashford. Affidavit of J. A. Low, Jailor of Oahu Prison.

Hawaiian Islands, }
Island of Oahu. } ss.

J. A. Low, being duly sworn, deposes and says.

I am Jailor of Oahu Prison of the Republic of Hawaii, and was such during the months of January and February last, while the insurrection against the Government was in progress. I received Messrs. V. V. and C. W. Ashford at Oahu Jail on January 8th, at 10 A. M., as committed prisoners. W. O. Smith, Attorney General, had telephoned me that they were on their way over to the prison, and that V. V. was a sick man having just got up from a sick bed, and would need accommodation in the Hospital. Upon their arrival, I was surprised to see the condition V. V. Ashford was in. He seemed to be very sick. On the other hand C. W. Ashford appeared to be allright, though excited and nervous, much more so than V. V. Ashford. C. W. Ashford claimed my attention immediately, saying that they had had an understanding with the Attorney General that they were not to be separated, and were to be confined in the Hospital Ward. I told C. W. that I had special instructions only in regard to V. V. and I then telephoned to the Attorney General for further instructions; he, the Attorney General, told me that he had not understood that C. W. Ashford was sick, and as I objected to placing C. W. Ashford in the Hospital Ward because it would lay me open to a charge of partiality, he directed that C. W. Ashford would have to produce a physician's certificate as to his health before he would be allowed to accompany his brother to the Hospital. He flared up at that, exclaiming "What, put me in a regular cell?" He fussed so that I permitted him there and then to telephone to the Attorney General; Ashford then told me that he would have his physician certify to his condition

and later Dr. Brodie, who was attending V. V. Ashford, came into the office of the jail and told me that he would send a bottle of medicine for C. W. Ashford who, he said, had just got over a slight sickness. I do not recollect whether he said he had had a cold or debility; but he stated that his present ailment was chiefly nervousness. I told the Doctor what he would have to certify to in order to entitle C. W. Ashford to Hospital accommodations and that I would require such a certificate, as it would not do to show partiality. Some seven or eight days later Doctor Brodie sought me out and told me that as far as he was concerned, C. W. Ashford need not be longer in the Hospital Ward, in fact he said it was really not necessary that he should have been put there at all. Up to the 24th January, no special restraints were put upon either of the Ashfords. Mr. V. V. Ashford continued in the same weak condition above described; but C. W. was well and hearty. He made use freely of the liberty which the Hospital Ward afforded and talked and conversed without restraint with all the political prisoners, in and out of the Hospital. The liberty and comforts of an occupant of the Hospital are necessarily wider than those allowed to prisoners who are well and occupy cells. Previous to the trial of V. V. Ashford, I received instructions from the Judge-Advocate to keep C. W. Ashford and V. V. Ashford separate and apart from the other political prisoners and from each other as well, until after their trials. I explained my orders to both of them and stated that until after their trials I would require that they have no conversation with the other political prisoners or with each other, except in my presence, and asked them as gentlemen to observe my orders, as it would be very unpleasant for me to have to reprimand them. Mr. C. W. Ashford, while promising to obey my orders, was evidently dismayed with the same and while gathering up his effects to accompany me to his new quarters, tried to say something to his brother, V. V. Ashford, privately. I moved C. W. to the old prison building, giving him instead of a cell the guard's room, which overlooks the drive way to the front entrance of the prison. I had to move the guard from his own room and shared my own room with him to give Mr. C. W. this accommodation. He occupied this room until his release, February 3rd, 1895. He was at liberty to speak with the guard, and in fact with all except the political prisoners about anything he needed or wanted and he freely made use of this privilege. He was also allowed to receive visitors both male and female, and to talk freely with them on all general subjects. He had all the exercise he needed in the front yard. He sometime ate his meals in the yard and sometimes in his room. After V. V. Ashford had been convicted and donned his prison garb, he asked to see his brother, Clarence, to talk business with him. I called C. W. Ashford into

his presence in the office, and when in the doorway he stopped short, with surprise, and after greeting his brother, exclaimed: "What, an Ashford wearing that garb, never, never. The time will come that I will avenge this, if it takes the last drop of blood in my body." He looked very pale, and trembled all over, and was very much excited, being affected in the same way as he was when he arrived at the prison. I saw no sign whatever at any time to indicate that Mr. Ashford was threatened with insanity or anything of the kind. He is naturally a very nervous man and the exceptional strain on his nervous system at the time was amply sufficient to account for any extra excitability on his part. This nervousness or excitability did not seem to gain on him either in frequency or degree during his stay in jail, on the contrary he quieted down; he seemed simply nervous and apprehensive. I considered him a well and sound man in every respect, and he came out of jail finally in better shape, physically and mentally than when he came in, having quieted down after his wife and others were allowed to visit him privately.

(Signed)

JAMES A. LOW.

Subscribed and sworn to before me this 16th day of October,
A. D. 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Statement of M. M. Scott.

Hawaiian Islands. }
Island of Oahu, } ss.

M. M. Scott, being duly sworn, deposes, and says.

I am well acquainted with C. W. Ashford and during the latter part of July or first of August, 1895, met him in San Francisco, California, at which time, while discussing different matters, he made the following statements. He said to me, "To say that I knew nothing of the affair (meaning the uprising of January 6, 1895), would be false, but I did not know it was coming off when it did." He further stated that on Monday, January 7, 1895, the day following the uprising, he went to his brother V. V. Ashford and told him that the government had them like rats in a hole and knew all about their connection with the affair and that although it was a losing game they might just as well pitch in and fight with the rebels. He further stated that his wife and his brother V. V. Ashford were both opposed to his so doing and advised him to the contrary, but that he was determined to join the Royalists and engage in the fight against the government.

(Signed)

M. M. SCOTT.

Subscribed and sworn to before me this 15th day of October, 1895.

(Signed)

A. M. BROWN,
Notary Public.

In the matter of the claim of C. W. Ashford. Statement of W. A. Kinney, Late Judge Advocate.

Hawaiian Islands. }
Island of Oahu. } ss.

William A. Kinney, being duly sworn, deposes and says.

The case against C. W. Ashford was placed in my hands to investigate as well as all other cases arising out of the late rebellion.

The Marshal made a verbal statement to me of his reasons for arresting Mr. Ashford, and showed me some of the reports of his detectives referring to Mr. Ashford. I particularly noticed those of Mr. Crandall, copies of which, with a further affidavit from Mr. Crandall, are hereto attached, marked Exhibit "A."

The Marshal stated to me that Mr. Ashford had been reported to him as attending meetings of revolutionists at which plans for overthrowing the Republic by force were considered and discussed.

When the ex-Queen was arrested January 16th, her diary of 1894 was found at her residence, and in it under date of December 18th, she had written down these words: "Signed eleven commissions." This led to an examination of her private secretary, William Kaae, who admitted that he had filled out the commissions in question, and had been present when the ex-Queen signed, and he gave the names of the different parties to whom these commissions were made, and thereby discovered that C. W. Ashford had been commissioned Attorney General of the intended monarchy and V. V. Ashford, his brother, a Judge of the Circuit Court. At the time of making the discovery, I was not looking for evidence against the Ashfords, nor were they in my mind, nor had I mentioned the name of either of them to Kaae, before he read the statement. The evidence of William Kaae on this point was repeatedly given at the different trials before the Military Commission, and I need not therefore attach a copy of his evidence to my affidavit, but beg leave to refer you therefore to the official transcript of the evidence.

Within a few days after Kaae's statement had been made, Mr. Samuel Nowlein, in his statement to the authorities (see his evidence and that of C. W. Ashford given at the trial of V. V. Ashford, before the Military Commission), directly and

circumstantially connected C. W. Ashford with the uprising as a party thereto.

Honorable John Cummins, an envoy for the ex-Queen to Washington, in confessing his complicity with the late uprising, stated to me that at a meeting held at H. A. Widemann's residence, where revolution against the Government was first being advocated, C. W. Ashford was one of the parties present and discussed, in common with others then present, ways and means of overthrowing the Government by force. His evidence to that effect would have been given at the trial of C. W. Ashford had it taken place.

Under date of December 28th, the Ex-Queen's diary afterwards refers to a refusal of John S. Colburn (Minister of the Interior at the time of the overthrow, to resign as such Minister at the request of such C. W. Ashford. These facts entered in the diary are as follows: "that John Colburn was told by C. W. Ashford to resign. He said he would not."

"By the way, Colburn, do you remember that I advised that the Cabinet in office at the time of the overthrow would have to be the Cabinet in case of restoration, on the theory that all that had intervened during the overthrow was illegal and void. I advised you, therefore, not to resign, but to claim your right as Minister of the Interior." Colburn answered "Yes I remember." Ashford then said, "Well, Colburn, I have changed my mind, I think now that you had better resign." Colburn then said "Why; what has made you change your mind." Ashford smiled and replied, "Well, you may wake up some morning and find that Ashford is the Government." Colburn retorted, "Well, I think that the advice you first gave me is good enough for me, and I certainly shall not resign." And there the conversation ended, Mr. Colburn saying to me that he did not attach any significance to the conversation at the time nor did it seem to him at the time to have been brought about by design on the part of Mr. Ashford.

Mr. Colburn's statement to me was not taken down; but he was informed that he would be called upon to give evidence at the trial of C. W. Ashford when his case came up.

Since Ashford's case has come up again in the shape of a claim against the Hawaiian Government, I saw Mr. Colburn, and told him that occasion had arisen to have him put in writing the statement that he had made to me at the time above mentioned, when Ashford was under arrest, and I was investigating his case. Mr. Colburn readily consented, but asked me to address my request in writing, which I afterwards did, a copy of which is herewith attached and marked Exhibit "B." Within a day or so Mr. Colburn came in and declined to furnish a statement in writing, and put his reasons therefor in writing. A copy of his letter is attached hereto marked Exhibit "C."

I remember the statement as made to me by Mr. Colburn very distinctly, and upon receipt of his refusal aforesaid, I restated to him my recollection of his original oral statement to me, with which he found no fault.

I further secured the evidence of Captain Cook for the trial of Mr. Ashford. The Captain stated, in the presence of Marshal Hitchcock and H. von Holt, Esq., and myself, that at the time of the Bush and Nawahi conspiracy trials, on December, 1894, he was approached by C. W. Ashford, with a proposition to assist in smuggling arms into the country, (see his affidavit hereto attached, marked Exhibit "B.")

The ex-Queen's diary, under date of July 16th, contains these words in the Queen's handwriting: "Jessie advised to make a law not permitting any firms to send for any guns only the Government. That is not bad. Told her to ask A. who would make the best C. J. (Chief Justice) in case of a restoration." The "Jessie" referred to in the diary is unquestionably Jessie Kaae, who is commonly known to be intimate with the ex-Queen and also C. W. Ashford. Mr. A. referred to in the extracts aforesaid is commonly understood and believed to refer to C. W. Ashford.

I also took a number of affidavits tending to prove that Mr. Ashford was known to be, and was in fact, a bitter enemy of the Government, and associated intimately with acknowledged participants in the uprising.

In view of the evidence I believed not only that the arrest of Mr. Ashford was eminently proper and justifiable; but that I had a sufficient case to put him on his trial for misprison of treason, and to ask his conviction therefor, and his case would have been tried in the week beginning February 21st, if he had not agreed, in writing, to leave the country, and to stay away until permission was given by the Minister of Foreign Affairs to return, a copy of which document is hereto attached, marked "Exhibit E" and made a part of this statement.

Mr. Ashford knew before signing this document that his case was to come up the next week for I told him so myself before his release. His wife and William Wilder, also knew that the authorities were ready to proceed with his case, and Mrs. Ashford requested of the authorities time in which to persuade her husband to her way of thinking, she being very desirous that he should leave the country, and so informed the authorities directly and through J. A. McCandless. After the matter had been fully and carefully considered, the Government, with considerable hesitation on its part, (though personally I was strongly in favor of the compromise), concluded that such an arrangement should be made, if Ashford desired; but distinctly declined to be the moving party in the matter. Ashford's wife was allowed to visit him several times, and she, with William Wilder, his relative, persuaded him to go.

Such persuasion being from their own voluntary desire, and though no misrepresentation or undue influence exercised against anyone on the part of the Government. The evidence had all been carefully prepared on the part of the Government and we were ready to go to trial on twenty-four hours' notice, when he signified his willingness to leave. The merits of the case against him had been virtually passed upon by the Military Commission in their trial and conviction of his brother, when sentence had been made public at the time that C. W. Ashford had consented to go. I attach hereto the affidavit of J. A. McCandless, marked "Exhibit F" as to the circumstances attending the compromise aforesaid.

It is true that Mr. C. W. Ashford after he had been in prison awhile was ordered to be kept separate and apart from all other political prisoners; but it is not true that he was ordered into solitary confinement. It is a common and reasonable precaution on the part of the Government, to keep alleged co-conspirators apart in jail, pending their trial, and it was due solely to the crowded condition of the jail, that the political prisoners were allowed to associate together at all. We did the next best thing and kept the ablest and most dangerous among them apart as much as possible. The few chances given the Ashfords to communicate privately with their family, were promptly improved and resulted in the suppression of valuable evidence against them both. (See the affidavits of Mrs. Kahananui, Stone and Hookano hereto attached and marked "Exhibit G.") The order in question did not prevent Mr. Ashford from communicating privately with counsel. In regard to Mr. Ashford's complaint of the treatment of his Chinese clerk and of Mr. Wakefield I have the following statement to make: The clerk in question was sent for by me and asked if Mr. Samuel Nowlein had visited Mr. Ashford's office to his knowledge within six months prior to the uprising. He first said yes, then evidently realizing that the statement might be used against Mr. Ashford he partially took it back, then could not remember at all. And when I charged him with trifling with me, he grew sulky and would not answer at all I detained him in the Police Station some hours, ordering him locked up meanwhile. It being Chinese New Year, his wife came down and begged me to let him off. I told the Chinese interpreter to explain to her the circumstances; but otherwise had nothing further to do with either the clerk or his wife, except to subpoena him as a witness at the trial of V. V. Ashford. I did not call him, however, finding it unnecessary so to do. The inquiry of the clerk was confined strictly to the matter of visits by Nowlein, no question being put to him that could possibly incriminate him.

As to Mr. Wakefield, I sent for him solely as a witness. He was a supporter of the Government, and there was no occasion

for me to order his arrest, for I had no doubt that he would freely give any evidence within his knowledge. The sheriff on the Island of Hawaii made a blundering mistake in treating Mr. Wakefield as he did. The matter was set right just as soon as it came to our knowledge in Honolulu. It turned out that Mr. Wakefield did not have the information we supposed he did, apologies were promptly tendered and accepted, and that was all there was about it. It was a mistake pure and simple.

Other matters of complaint by Mr. Ashford are covered by other affidavits or run outside of his own case, and therefore I take it need not be considered here.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Copy.

Exhibit "B."

Honolulu, H. I., October 19, 1895.

J. F. COLBURN, ESQ.

Honolulu.

DEAR SIR:—While investigating the cases of persons held for complicity in the late uprising last January, I found a reference to you in the ex-Queen's diary of the year 1894, under date of December 28, the reference in question being to the effect that you had declined to resign as Minister of the Interior upon the request of C. W. Ashford.

You will remember that I sent for you to come to the Police Station and asked to know what this reference meant, and to explain how you came to figure in her diary. You will recollect that you made an oral statement to me at the time which was not reduced to writing.

At the request of the Government I now wish to ask you to reduce that statement to writing, as occasion has arisen which requires this to be done.

Yours truly,

(Signed)

W. A. KINNEY.

Attorney for the Government in the matter of the claim of C. W. Ashford.

Copy.

Exhibit "C."

Honolulu, Oct. 21st, 1895.

MR. W. A. KINNEY,

Attorney for the Hawaiian Government in the matter
of the claim of C. W. Ashford.

SIR:—Yours of the 19th inst. has been received, and contents carefully noted. In answer to the same I must decline to reduce to writing a certain statement I made to you orally one evening in the month of January last, at the Police Station for the following reasons:

First: I consider it would be bad taste on my part to furnish you with a statement about C. W. Ashford that might be so construed as to mean a great deal of harm to him when he is not here to confront me.

Second: Although I told you that C. W. Ashford had said something to me about my resigning my position as the Minister of the Interior, I cannot see why I should put that in writing, and thereby perhaps injure him and his family, when I feel that what he did say to me on the subject was more in a jocular spirit than as positive information.

Yours very truly,

(Signed)

JOHN F. COLBURN.

Exhibit "A."

Statement of M. F. Crandall, re C. W. Ashford. February 11, 1895. Station House.

M. F. Crandall, being duly sworn, deposes and says.

I was born in the State of New York and I am 42 years of age; have been a detective in the United States and upon coming here in September or October of last year entered the service of the Hawaiian Government and have done detective work since. I was employed by J. B. Castle, Collector of Customs, to follow up the Opium swindlers and also to keep an eye on the Royalist plotters; I very soon found that the smuggling fraternity were also Royalists almost without exception; when I speak of the smuggling fraternity I mean those who are under suspicion. I made the acquaintance of L. J. Levey three or four days after I arrived here and it came about casually from my visiting his auction rooms to examine a boat; I had been here over a month and had become a frequent visitor at Levey's auction rooms before I had been even approached to enter Government service; I had not been with Levey 24 hours or known him that time before I knew his po-

litical sentiments; he avowed himself as a Royalist and all his talk indicated that he was very bitter. Before I entered the Government service he told me, says he, "Now, Crandall, they will be after you to join the P. G.'s and you will be a dam fool to do it, for they are nothing but a dam set of traitors from Dole down, and it will be a dam little while before they are out of existence, and if you will stay with us I will guarantee that you will get a good position and you will be a dam fool to mix in with the P. G. Government as a new incomer."

After I had been here a couple of weeks he asked me if I had a gun or was armed, and my reply was that I did. He then asked me if they should call on me would I be ready to assist them; I told him that I did not come down here to fight and should certainly object to taking up arms for either party.

Within a week previous to December 4th, I was at Mr. Levey's store and there met or saw Mr. Levey, Mr. C. W. Ashford and Mr. Ross, and the following conversation took place between them as afterwards repeated to me by Mr. Levey, I having not heard it: That troops were expected from abroad, either from San Francisco or Vancouver, and were to be landed on the other side of the mountain and were to come over the Pali in the night time; also that quite a number of men on the Islands had agreed to assist them, and furthermore that six of the Government soldiers who are now located in the Palace are informing them where all the arms and ammunition are kept, and in case of an outbreak when they are on duty they will make no alarm what ever but will assist the rioters; this conversation was reported to me by Mr. Levey immediately after Mr. C. W. Ashford and Mr. Ross had left the store. I reported this matter to the Collector General of Customs on December 4th, 1894, a copy of which said Report is hereto attached and marked Exhibit "A." At the same interview with Mr. L. J. Levey, on the day the above statement is reported, Mr. L. J. Levey also asked me if I had any guns, and I told him yes, that I had two or three, to draw him out; he then asked me what I would do if I was called upon at any time, day or night, to assist them; I told him I would do nothing; he then asked me if I would loan him a gun, and I said yes; he again said that I would be foolish if I didn't join them as he would guarantee me a good position.

On December 13th, Thursday, between the hours of 3 and 4:30 p. m., I was in Mr. Levey's auction rooms; Mr. Levey sent for Mr. Ashford, or at least I supposed he did, for Mr. Levey was at the telephone and said he (did not mention any name) will be here in a few minutes, and it was but a few minutes when Mr. Ashford came in; Mr. Levey stated in the hearing of George Bailey, C. W. Ashford and myself, that he was informed that the Royalists who were arrested were denied the privilege of sending for Attorneys, and he, Mr. Levey, would

not be surprised if they arrested him at any time, and in case they did he wanted Mr. Ashford to go to the British Consul, for he, Mr. Levey, was a British subject and had seen the Consul and they had agreed to demand his release as they would demand a hearing at once and if they did not find more than two guns he would not be held as a Conspirator; Mr. Levey said the rest of the arms were concealed where the devil himself could not find them. Just prior to Ashford's departure, he, Ashford, asked Mr. Levey how long they expected that boat, and Mr. Levey said, as they had had no news they were looking for it at any time. When Mr. Ashford went out Mr. Levey turned to me and said: "Crandell, in case we should want a little of your assistance in the way of a pitched battle within the next week or two would you be willing to give it?" I told him I would in order to get all the information possible; he then asked me if I was equipped with any guns. I told him nothing but a revolver, and then he said he would like to get hold of a few revolvers and wanted to know if I would lend him mine, to which I made no reply.

The Report of the foregoing matters was sent to the Collector General of Customs on December 14th, a copy of which said report is hereto annexed and marked "Exhibit B."

The following Report was made to the Collector General, November 14th, 1894, the same being attached hereto and marked "Exhibit C."

"In regard to the mob that has its headquarters at the King Street House I find them to be anarchists and very treacherous and it would be policy to keep a guard on them all the time; Johnston, the man about whom you spoke is a wild reckless fellow, and he stated to me in conversation that there are about 65 men in the city waiting a chance for an outbreak, and they have a supply of arms and I have not been able as yet to locate them; this gang is not all at the King Street House, but Johnston is the leader; it will be a good idea for the police to search Johnston when they meet him on the Street as he always carries a big revolver at night; I have seen it on him; in talking with Johnston at times he is almost wild and will walk away and leave you for a while."

On or about December 18th, I had a conversation with Mr. Mike Bailey in which he said in answer to an invitation to take a room at my house at Makiki, "Crandall, things are getting to a pretty close focus, and I want to be here in town. I think I will sleep here in the store so as to answer a call, should it be necessary, and they are expecting to land men and guns the other side of the pali, and they will telephone from Mendonca's, because that is the nearest place." I said would they dare telephone at night, as the Telephone Company would



notify the police? He then said the message will be How are your folks, everybody is well here.

(Signed)

M. F. CRANDALL.

Subscribed and sworn to before me this 13th day of February, 1895.

(Signed)

WM. J. FORBES.

Notary Public.

Exhibit "A."

Honolulu, H. I., 12th, 4, 1894.

J. B. CASTLE, Col. Gen'l.,
Honolulu, H. I.

My Dear Sir:

I will give you the last report, although I do not believe there is anything in it.

Information furnished by one of the royalists is that they are expecting troops from abroad. Some say they are coming from San Francisco, others say that they are coming from Vancouver, and they will be landed on the other side of the mountain and come over the Pali, in the night time. They claim to have quite a number of able bodied men here on the Island to assist them. They also claim to have six of the Government soldiers who are now located in the palace and these soldiers are informing them where all the arms and ammunition is kept. And in case there is an outbreak made when they are on duty, they will make no alarm whatever, but assist the rioters.

My candid opinion is that there is no foundation for the rumor about the troops coming either from San Francisco or Vancouver; but there may be some truth in story that the Gov. soldiers are giving information in regard to the arms and ammunition.

The name of the man who left the King Street House to go to one of the other Islands is Zeller.

Respectfully Yours,

(Signed)

M. F. C.

Honolulu, H. I., 12, 14, 1894.

J. B. CASTLE, Col. Gen'l.,
Honolulu, H. I.

While in Levey's Auction Rooms yesterday, (Thursday) between three and four thirty p. m., there was a great deal of conversation of which some was of importance. Mr. Levey sent for Mr. Ashford, or at least I suppose he did for he (Mr.

Levey) was at the telephone and said he (did not mention any name) would be here in a few minutes; and it was but a few minutes when Mr. Ashford came in. Mr. Levey stated that he was informed that the royalists, who were arrested were denied the privilege of sending for attorneys, and he (Mr. Levey) would not be surprised if they arrested him at any time, and in case they did he wanted Mr. Ashford to go to the British Consul, for he (Levey) was a British subject, and had seen the Consul, and they had agreed to demand his release, as they would demand a hearing at once, and if they did not find more than two (2) guns he could not be held as a conspirator. Mr. Levey said the rest of the arms were concealed where the devil himself could not find them. When Mr. Ashford went out, Mr. Levey turned to me, says: "Crandall, in case we should want "a little of your assistance, in the way of a pitched battle, "within the next week or two, would you be willing to give "it?" I told him I would, in order to get all the information possible. He then asked me if I was equipped with any arms and I told him nothing but a revolver, and then he said he would like to get hold of a few revolvers and wanted to know if I could loan him mine, to which I made no reply.

Respectfully,

(Signed)

M. F. C.

P. S.—Mr. Ashford asked Mr. Levey how long before they expected that boat, Mr. Levey said as they had had no news they were looking for it at any time.

Exhibit "D."

In the matter of the claim of C. W. Ashford. Affidavit of J. F. Cook.

Island of Oahu, }
Hawaiian Islands, } ss.

J. W. Cook, being duly sworn, deposes and says:

I am a seafaring man, having been so for fifty-six years, and master of a ship off and on for thirty-five years. I know C. W. Ashford, I have had dealings with him for several years past one way and another.

Just before the late uprising, I had been to him about a claim I had in reference to the Laysan Islands. I had made arrangements with him, by which he had agreed to take this case for me. During the month of December, 1894, and after this agreement had been made between us, and while the Bush and Nawahi trials for conspiracy were going on in the Police Court of Honolulu, Mr. Ashford had a talk with me which began by his inviting me one day, while I was standing

in front of the Post Office about noon, into his office. Mr. Ashford had been attending these conspiracy trials. He was defending the alleged conspirators, Bush and Nawahi, who were charged with conspiracy to overthrow the government. The case had adjourned, and he was on his way to his office, when he met me. He stopped me, and said: "Captain Kidd the Pirate, come into my office, I want to speak to you." He had been in the habit of calling me Capt. Kidd the Pirate for a long time previous. He took me into his private office where no one else was present, his front office being occupied by clients and others at the time. "Captain," says Ashford to me, "Would it be any trouble for you to get a sloop or schooner?" I told him no, and then asked for what purpose. "Well," said he, "There may be a little gunning in it." I said "Speak a little louder." I am a little deaf, and was not certain what he said. He said "Well, I will meet you in a place where I can speak as loud as I want." That ended the conversation. He was to see me again; but he did not, and in a few weeks the uprising came.

I made the above statement to Marshal Hitchcock in the presence of Mr. Kinney and Mr. von Holt, some time in January or the early part of February last at the time that the authorities were investigating the case against C. W. Ashford.

I can swear that Mr. Ashford made the above reference to gunning to me and the only conclusion that I did or can arrive at is that he wished me to assist in the landing of some fire-arms.

It should be stated in explanation of the above statement that I had various dealings with Mr. Ashford that made him trust me thoroughly; in other words, we understood each other, and I would never have mentioned this affair, except that it finally involved something that I could not approve of in any way, and I finally mentioned it to my intimate friend Mr. von Holt, who urged me to make it known to the authorities, claiming that it was the duty of all loyal to the Republic to tell all they knew about this uprising, and after careful consideration I came to the conclusion that von Holt was right, and accompanied him to the Police Station, and I made this statement to the authorities.

(Signed)

CAPT. J. W. COOK.

Subscribed and sworn to before me this 21st day of October, A. D. 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Exhibit "E."

Whereas I, C. W. Ashford, am now held in confinement for complicity in the recent insurrection against the Hawaiian

Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said C. W. Ashford in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the Arawa leaving Honolulu for San Francisco on March 7th, 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 23rd day of February, 1895.

(Signed)

C. W. ASHFORD.

Witness:

(Signed)

WM. A. KINNEY.

(Signed)

J. A. LOW.

"Exhibit F."

In the matter of claim of C. W. Ashford. Affidavit of J. A. McCandless.

Hawaiian Islands, }
Island of Oahu. } ss.

J. A. McCandless being duly sworn, deposes and says:

I am and have been a pronounced supporter of the Republic of Hawaii; but was also a personal friend of C. W. Ashford and his wife. I was the first one, so far as I know, to approach the Government, on the proposition of allowing C. W. Ashford to leave the country, and I did so with the knowledge and at the request of Mrs. C. W. Ashford. I saw Judge Advocate Kinney, and talked with him about the matter, and arranged an interview between Mrs. Ashford and himself, which took place in or in front of C. W. Ashford's office a few days before his release, Mrs. Ashford explained to Mr. Kinney in my presence, that she desired her husband to leave the country. She claimed that he was innocent; but did not wish him to run the risk of a trial. Mr. Kinney said that he, personally, was in favor of such a compromise between the Government and Mr. Ashford; but was unable to speak decidedly until the Government had been consulted. He meanwhile arranged an interview for Mrs. Ashford and her husband, and promised to lay the proposition before the Government.

I was present at another interview between Mr. Kinney and Mrs. Ashford several days later, which was brought about by me at the earnest request of Mrs. Ashford. It seems Mr. Ashford had not acceded to his wife's request; but held out against the proposition, and that Mr. Kinney in consequence thereof was preparing to go to trial at once. Mrs. Ashford sought this second interview in order to secure another chance to see her husband and persuade him to go. Mr. Kinney at this second interview stated to Mrs. Ashford that he thought it was too late to compromise the matter now; but acceded to her request for another interview with her husband. That evening C. W. Ashford was released and I saw him with his wife in their buggy, and had a few words with him, he stated to me that now he had done it, i. e., agreed to leave, he felt very glad of it. Neither in the two conversations between Judge Advocate Kinney and Mrs. Ashford, nor in my own interview with C. W. Ashford, did I see or hear anything to indicate that coercion or undue influence was being used by the Government in any manner whatsoever to get Ashford to leave; on the other hand, in the last interview between Mr. Kinney and Mrs. Ashford, Mr. Kinney was very non-committal as to whether or not the Government would consent to his being released, even if his wife could so persuade him. Mr. Kinney at all the interviews that I had with him on the subject distinctly stated and repeated that the Government had instructed him to say that any proposition for the release of Mr. Ashford must come from him, not from the Government.

(Signed)

J. A. McCANDLESS.

Subscribed and sworn to before me this 15th day of October, A. D. 1895.

(Signed)

A. M. BROWN.

Notary Public.

"Exhibit G."

Affidavit of Almira M. Kahananui.

Hawaiian Islands, }
 Island of Oahu. } ss.

Almira M. Kahananui on oath deposes and says, previous to January, 1895, I was residing at Wailuku, Maui; and suffering from a severe attack of neuralgia. I came down to Honolulu with Chas. Carter on steamer Claudine arriving on the morning of the 6th of January. I remember well, it was Sunday.

On my arrival in Honolulu, I went direct to my brother's house on Queen street.

My son telephoned to Dr. Brodie to come and attend me for my sickness; also to V. V. Ashford that I was here.

The doctor got to see me about 10 A. M. and Ashford came before. He was with me when the doctor came in. He remained a short time after the doctor went away; he said, "I am engaged; I think somebody is waiting at the house. I must go right now, but will be back soon!" Ashford then went away but never came back until evening; did not keep his promise to me.

Just dusk in the evening of the same day, Sunday, he (V. V. Ashford) came again to see me at my brother's house, as he came in he seemed to be extremely excited, almost as if he would fly. During our acquaintance, I never before saw him act in that manner; he would not sit down but kept walking backwards and forwards in the room as if he had come into the possession of something very valuable to him.

I began to ask him what was the cause of these strange actions of his: saying "Heaha keia?" (What does this mean?)

But he did not answer directly only asked me in turn "Where is Edwin?" (My son.)

I replied, "What of Edwin?" He said, "I want to see him." I told him "You will not be able to see him, he is gone!"

Ashford continued, "Sam has not come in yet, has he? They are all kept in to-night, are they not?" (Sam, my brother, is a guard at Oahu Jail.)

I said, "His wife has said he would be; you ought to know, you have been down to see him often enough!"

I then began to talk and he came and sat down on the bed by my side. I kept on saying, "I think what I heard about you to-day is true, because you have often promised me you was coming up to Maui, but you never came; it must be that you are engaged in some plot?"

He kept still until I had finished, then said, "What have you heard about me?"

I said, "It is strange!"

He asked, "What?"

I kept on, "you have ill-treated me and my brother, but this house of my brother has been a frequent visiting place for you, do you think my brother and son are going to join you in your plots?" I continued, "I am going to write a letter to my brother in the morning forbidding him having anything to do with you, and if I am strong enough to stand up am going to see him personally!"

Ashford then said, "Who has been talking to you?"

I answered, "My brother's wife and my nephew."

He continued, "What did they tell you? They do not understand English."

I said, "It is true that they do, not understand English, but she has heard Sam say it is not a pleasant thing to have this foreigner come here all the time and try to get us to join him in his schemes!"

Sam's wife had told me that they were holding meetings,

plotting against the Government. I asked her, "Do you know this to be a fact, she said that is what Sam says!"

Ashford then said, "Oh! we can get along without him, but 'being your brother, I only asked him to be on the safe side!'"

I said, "What side is the safe side? What do you call the 'safe side?'"

He said, "The Royalist!" (I never knew they were all ready and going to do something then.)

I kept on, "Why, you have abused the Queen and Wilson, 'how do you think to turn again on their side?'"

He said, "That is the way to get the natives to come forward, by telling them to restore the Queen; but she will 'never be there 24 hours, she will be a dead woman!'"

I said, "That is enough! That is what you want my son 'for, to carry your gun! You being sickly of course, cannot 'do that kind of work, but want my son to do it for you, that 'you may be in Dole's place, a President."

He said, "Oh! you keep still, I have got the chance now, as 'I have often told you, to cut the throats of your missionary 'friends so quick that they will not have a chance to say their 'grace,' and other vile expressions of the same import. As he was thus talking, the telephone rang, I was on the bed, but as he heard the bell, he at once went to the instrument as if a previous agreement had been made.

Of course, I could not hear what was said to him, but he answered, "Yes!" "Yes." "Yes!" "All right!" "I'll be there!" He then returned to me and kissed me for the first time, since my return, and said, "Now, don't be selfish, stand for me; we 'are ready now." For the first time I understood that something was indeed about to happen.

I asked him, "Who was that telephoned to you?"

He answered, "It was Percy; C. W. told him to ring me up, I had told them I would be down here!" He then went out of the house to go down town, but returned again before he had got outside of the yard. Came to my bedside and again kissed me, saying, "Promise me one thing!" I said, "What is that?"

He said, "Never give me away! Stand by me as you have always done!" "As a wife to a husband!" I said, "Go ahead! 'But mark my words, you never will succeed!"

He then went away for good; but he could not have got further than the corner of the street, when the telephone bell rang again.

I was all alone in the house, so I put up with my pain and went to the telephone, and said, "Hello!" Some one asked, "Is that 700?" I answered, "Yes." I recognized C. W. Ashford's as the one speaking to me, am sure I make no mistake about it; it was no one else; he answered, "We are waiting for 'you, when are you coming? It is ready! hurry up! It is out 'there!"

I kept answering, "Yes! Yes!" And the above was all said in one string as if much excited.

I said, "Who is that?" The voice replied, "C. W." I said again, "Yes." I could hardly stand up for pain and faintness, and as he said no more went back to bed where I lay a month and three weeks before the doctor let me out; I had only been on my bed a short time, when my son came in and told me the news, that there was fighting at Waikiki.

The next morning, Monday, about 9 o'clock, V. V. Ashford came again to my house with a very long face as if something had not gone right, and said he was going to register as a British subject, Martial law was proclaimed.

I asked, "Have you never registered as British subject yet?" He said, "I have never registered before and we all are now going, my father, C. W. and Percy, all of us, the whole family."

I asked, "You have not done so before, what is the reason you now want to register?"

He said, "For protection, I think we are going to be arrested!" He then began to curse and swear "The d——n kanakas; they ought to be put in Hell," etc., etc. He cursed me too, but I did not answer him, he did all the talking. I remember the hack-driver that brought him out, it was Mahoe, Puihiula's brother-in-law.

Sunday evening after I heard the telephone message from C. W. Ashford, I rang up the Station House to get some one to come up from there to me, so that I could tell them what I had heard, but for some cause, could get no connection, and lay down again on my bed.

The day after V. V. Ashford was arrested, his son, Percy, came to see me, I was very much surprised, for formerly they would not recognize me, considered I was a sort of animal I suppose.

After he came in he said that his father had sent him to come and see me.

I asked, "For what reason?"

He said, "Be careful, do not give away if anyone should come and tempt you!"

This was very strange actions, for on a former occasion, this man nearly choked me to death, and I believe would have accomplished his purpose, but for my brother helping me.

Dr. Brodie soon came and Percy seeing him, went away, after again telling me to be careful, and not tell anyone, what I knew about his father, (V. V. Ashford).

Afterwards, V. V.'s father came to see me on three different occasions for the same purpose, crying, and offering me money for my expenses. I wrote a letter to V. V. in jail not to send his relations to me, but they kept coming, until after the trial, when I saw them no more, until the present day. The father

used to cry and say if I told what I knew his two sons would be hanged.

I did visit him once in jail, in spite of my sickness, thinking he had something of importance to tell me, but as he kissed me, he whispered, "Don't give me away!" Then Mr. Low, the jailor, said, "Speak louder!" And V. V. went on talking of things of no importance, and in the meantime slyly dropping a word in a whisper, that I must remain true to him. I got back home much exhausted by the trip and the doctor made me go back to bed, and said, if I got up again before he let me, I would die.

The Marshal sent for me on the 28th of January, A. D. 1895, and also sent for Mrs. Sam Stone, and asked us questions about V. V. Ashford. At that time, Percy Ashford had paid his visit to me, and V. V. Ashford's father had made me one visit also, and out of compassion for V. V. Ashford, and also because of the persuasions of his son and father to keep everything quiet. I did not tell the Marshal what I now state; but concealed everything that would do him harm, in accordance with the wishes of his son and father. The next morning, the "Advertiser" had an item about my being sent for by the Marshal, the night previous and questioned. The clipping read as follows:

"Mrs. Kahananui Ashford was sent for by the Marshal last night to furnish some important information desired by the 'authorities.'"

The next morning after that notice went into the paper was the occasion of the father's second visit. He said that he had met V. V. Ashford at the Executive Building, where he was to be tried. That he (the father) had read this clipping in the paper about my going to the Marshal, and told V. V. Ashford about it when they met at the Executive Building and that V. V. Ashford had sent him to me to find out what I had told the Marshal and to beg me to keep quiet. The father brought me twenty dollars and fairly cried when he entreated me not to say anything. Previous to that time, V. V. Ashford had given me a promise in writing to marry me, and though his actions for some time had led me to doubt his good faith, yet I still held to his promise, and hoped that he would keep it. The father said to me that if I told the truth about V. V. Ashford, I would be the first one to have broken the promise between us by which he was to marry me. In August of this year, I went to the Marshal and voluntarily told him the substance of this affidavit, and hear nothing more from that day until yesterday, when the Marshal sent and asked me to restate this matter, which I have accordingly done.

The above statement is a true story of what happened at that time.

(Signed)

ALMIRA M. KAHANANUI.

Subscribed and sworn to before me this 12th day of October, 1895.

(Signed)

HENRY SMITH.
Clerk Judiciary Department.

Re claim of Volney V. Ashford. Affidavit of Edwin Stone.
Edwin Stone, being duly sworn, deposes and says:

Hawaiian Islands, }
Island of Oahu. } ss.

I am the son of Sam Stone and nephew of Almira Kahana-nui, and am thirteen years of age. I remember the Sunday of this year in January that the revolution broke out. My aunt arrived from Maui that morning, and stayed in my father's house at Kakaako. I knew Volney Ashford, and that he and my aunt had lived together. I remember hearing of his arrest by the Government because of this revolution. I heard of his arrest shortly after that revolution took place. Within a day or so after it broke out Percy Ashford, his son, came down to our house and had a private talk with Almira: I do not know what they talked about. Doctor Brodie came in while Percy was there, and he (Percy) got up and left. Percy Ashford had not been near my aunt before, and they were on bad terms, he having assaulted her at one time, and they had nothing to do with each other before this for some time, so far as I know. After Percy's visit, I remember Volney Ashford's father coming to visit Almira at the same place. I remember seeing him twice. I understand but little English, and thought I sat near enough to hear the talk between the father of V. V. Ashford and Almira, I understood but little of it. He seemed to be asking a favor of Almira; but I could not make out what that favor was. I never knew the father to call upon my aunt before. These visits of the father were made while the Military Commission was still in session.

The father was talking earnestly with Almira, and did most of the talking, she only answered briefly.

And further the deponent sayeth not.

Re Volney V. Ashford's claim. Affidavit of Hookano (w).

Island of Oahu. }
Hawaiian Islands, } ss.

Hookano (w) being duly sworn, deposes and says:

I am the wife of Sam Stone, I remember the Sunday in January this year that the revolution broke out. Almira, my

husband's sister arrived that day from Maui, I know Volney V. Ashford. He has lived with Almira as man and wife for some time. They were together alone for some little while during the forenoon, of that Sunday. Then Mr. Ashford went away and came back that evening about dusk, and he and Almira had a private conversation with each other, that I did not know anything about. Before he returned that Sunday I had a talk with Almira about Mr. Ashford, and I told her that I did not like his coming to our house during her absence, because I thought that he was trying to draw my husband and Edwin into some revolutionary plot. I further told Almira that there were a great many rumors that a revolution was coming. Almira was unwell upon her arrival and was sick for quite a while thereafter. Within a day or so after the revolution began, V. V. Ashford was arrested and the next day I think, Percy Ashford, his son, came to the house and had a private talk with Almira. He was on bad terms with her before that, and was having nothing to do with her.

After that and while the Military Commission was sitting V. V. Ashford's father visited Almira at our house. I remember two visits made by him while the Military Commission was in session. What he came for and what was said between him and Almira I do not know.

And further the deponent sayeth not.

(Signed)

HOKANO.

Original sworn to before Henry Smith, Clerk of Court.

In re F. H. Redward. Statement of Ex-Marshal E. G. Hitchcock.

Soon after my assuming the duties as Marshal of the Hawaiian Islands, I was informed by many whom I know to be staunch and true supporters of the Government, that Mr. F. H. Redward of Honolulu was openly and avowedly unfriendly to the Government, and one whose influence was much greater amongst those against the Government, than was the influence of such men as were much lower in the scale of society.

Consequently, I, through my secret detectives, had Mr. Redward's talk and actions watched and reported to me during the whole of the period that I remained as Marshal. The reports concerning Redward were mostly verbal reports, owing to the great necessity of my detectives remaining unknown to the enemies of the Government: I did, myself, try to observe whatever I could relative to Mr. Redward, and became thoroughly convinced from such observation, that Mr. Redward was very unfriendly and hostile to the government. My own observations showed that Mr. Redward was never to be found in company with those who were known to be sup-

porters of the Government, but on the contrary he was always to be found at the business places of such persons who were strongly suspected and in many cases known to be working to accomplish the overthrow of the Government and the restoration of Mrs. Dominis to the throne.

Owing to the great secrecy maintained at all times by those conspiring to overthrow the Government, in regard to their meetings and to their apparent refusal to trust those on whom they relied for the force with which to accomplish their desires, it was with great difficulty that positive evidence could be obtained as to the full means and ends that they intended to use; but the fact remained that certain of the whites of Honolulu had most undoubtedly put forth ways and means, by which they thoroughly intended should be successful, beyond a doubt, for the complete overthrow of the Government and the restoring of the monarchy. From all my own personal observations, and from the many reports brought to me from time to time by those in whom I had confidence, I was brought to the belief, and did so believe, that Mr. Redward had been and was one of the persons who was thoroughly committed and had done all in his power to cause a rebellion against the Government. I therefore ordered his arrest on the charge of conspiracy against the Republic of Hawaii, and he was arrested on the 7th day of January, 1895, and sent to the Oahu Jail on the same day, and he was discharged from the Oahu Jail on the 13th day of February, 1895, on his signing a paper to leave the country, etc.

There was no warrant of arrest issued in Mr. Redward's case, but instructions were given to all officers to inform those arrested of the charge that they were arrested on. Mr. Redward himself requested to see me at the Oahu Jail, and I went and saw him and he stated to me that he was ready and anxious to sign the papers and leave these islands; I returned to my office had the papers made out and returned to him, he signed them and was released. At the time the papers were handed by me to Mr. Redward for him to read and sign, H. B. M. Commissioner A. G. S. Hawes happened to be present and after my reading the paper to Mr. Redward, he, Mr. Redward, looking over the copy or duplicate of the said paper in order to verify its being a true duplicate, Mr. Redward said, "Yes, I will sign that, because I do not make any confession as to my guilt in this paper," Mr. Hawes said to Mr. Redward, to the best of my recollection, "If you sign that agreement or paper, it will be, by me, deemed a confession of your guilt, and I shall so represent it to Her Britannic Majesty's Government." And after a pause of a few seconds, Mr. Hawes said to Mr. Redward, "Now you know very well, whether you are guilty or not; if you are not guilty, don't sign that, but stay and take your trial before the Military Commission, but if you are

guilty the best thing for you to do is to sign that and leave this country." Then after another short pause in which no answer was made by Mr. Redward, Mr. Hawes said, "I think on the whole you had better sign and leave this country." Then Mr. Redward signed both papers in Mr. Hawes and my presence.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 26th day of October, A. D. 1895.

(Signed)

A. M. BROWN.

Notary Public.

In the matter of the claim of F. H. Redward. Affidavit of W. A. Kinney.

Hawaiian Islands, }
Island of Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says:

In investigating the case of F. H. Redward, I soon heard that he had consented and agreed to take part in the uprising set for Thursday night, January 3rd. Nowlein so informed me in his confession. Bertlemann informed me that he had heard the same thing from Nowlein at the time and before the uprising actually took place. Joe Aea made a statement to the same effect in the presence of Messrs. W. R. Castle and Cecil Brown, attorneys at law, who were assisting the Government at the time and Charles Clark also confirmed this statement in his confessions to the authorities. The affidavits of Nowlein, Bertlemann and Clark on this point and also a copy of the statement of Aea, as it was taken down in writing certified to by Cecil Brown, Esq., the original of which is in the possession of the Police Department, are hereto attached, marked respectively Exhibits A, B, C, and D. These statements were obtained from these four parties separately, and without a chance for them to consult together, and fitted in to each other so as to leave no doubt in my mind that Mr. Redward had to be counted as a guilty participant in that conspiracy and uprising. Numerous statements were made to me by different parties as to Redward's violent and incendiary talk prior to the uprising. I took down several as a sample and attach hereto the statements of Thomas Black, McEvoy, J. Mitchell and J. Carty. Such affidavits could have been multiplied indefinitely, as he talked as openly and intemperately as E. B. Thomas or F. W. Harrison. See also affidavit of M. Davis among papers re claim of E. B. Thomas.

I had not fully completed the investigation of his case, nor had I fully decided upon what course to pursue in regard to

him, when he consented to leave the country and signed an agreement to that effect. I attach the original of the agreement hereto, marked Exhibit E. I gave no further attention to his case after he had signed the agreement, nor have I ever completed the investigation of the same; but I was satisfied at the time that ample evidence could be obtained to prove a violation of the Act against Seditious Offences.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Exhibit "A."

In the matter of the claim of F. H. Redward. Affidavit of Samuel Nowlein.

Hawaiian Islands, }
Island of Oahu. } ss.

Samuel Nowlein being duly sworn, deposes and says: On Thursday evening, the 3rd of January, 1895, (the night that the uprising against the Republic of Hawaii was originally planned to come off), I sent Joe Aea up to F. H. Redward's residence with instructions to inform Redward that I wished him to accompany Aea to the Telephone Office that evening to assist in holding same when hostilities began. We were supposed to make a movement about one o'clock on the Friday morning following. The reason I sent Aea to Redward was that Redward had given me personally to understand that he would give me his assistance, in attempting to overthrow the Republic at any time he was called upon. It seems that when Aea got up there, Redward was not home. The landing of the arms at Kakaako and the fish market from the "Waimanalo," did not come off owing to the fact that the Government stopped the gathering of natives at Kakaako, and the uprising was postponed until the Sunday following. That Sunday night I counted still upon Redward taking a part as soon as we (the natives) succeeded in getting into town from Diamond Head, which we planned to do by six o'clock on the Monday morning. Monday morning we never got into town, and so the matter ended as far as Redward was concerned.

(Signed)

SAMUEL NOWLEIN.

Subscribed and sworn to before me this 23rd day of October, A. D. 1895.

(Signed)

WM. J. FORBES.

Notary Public.

Exhibit "B."

In the matter of claim of F. H. Redward. Affidavit of H. F. Bertelmann.

Hawaiian Islands, }
Island of Oahu. } ss.

H. F. Bertelmann, being duly sworn, deposes and says: I knew F. H. Redward, carpenter. When under arrest in January last in making my statement to the authorities of my knowledge of that uprising. I stated to Judge Advocate Kinney that I had been told by Sam Nowlein that F. H. Redward had been assigned a place and would take part in the uprising that was impending; but Nowlein did not tell me where Redward had been assigned or what he was to do, nor did I have any personal conversation with Mr. Redward. That statement so made to Mr. Kinney was true.

(Signed)

H. F. BERTELMANN.

Subscribed and sworn to before me this 19th day of October, A. D. 1895

(Signed)

EDWIN A. JONES.

Notary Public.

Exhibit "C."

(Copy.)

Statement of Joe Aea taken before W. R. Castle and Cecil Brown, January 17, 1895.

I never had any conversation with Redward but was detailed by Nowlein to go with him to seize the Mutual Telephone Co. on Thursday. I went to Redward's house; but he was not at home. I then went home to Manoa Valley.

I hereby certify that the above is a true copy of the statement taken by myself and W. R. Castle from Joe Aea January 17th, A. D. 1895; and that Aea made the statement to us as above recorded. Aea is now in the United States.

(Signed)

CECIL BROWN.

Subscribed and sworn to before me this 30th day of October, A. D. 1895.

(Signed)

WM. J. FORBES.

Notary Public.

Exhibit "D."

In the matter of the claim of F. H. Redward. Statement of Charles H. Clark.

Hawaiian Islands, }
Island of Oahu. } ss.

Charles H. Clark, being duly sworn, deposes and says: I remember the Thursday night prior to the 6th of January, originally set for the uprising to start. I was at Washington Place that night in charge of the armed men ready to take part. Early in the evening Samuel Nowlein, from whom I received my orders at Washington Place had a conversation with Joe Aea about F. H. Redward. The way of it was this: Aea and Nowlein were talking together in the yard and I passed by and I heard Nowlein say to Aea: "You and four others are to report to Redward." At the time I did not know what part of the work they were assigned to do. Nowlein at the time was assigning different work to different leaders. Joe Aea is a retainer of the Queen's, and during the day was often at Washington Place. He is now in Chicago with the National Band. As is well-known the affair did not come off that Thursday night owing to the fear that the Police had knowledge of it and would break it up. Next day I had a talk with Aea, and he then told me that he was to assist Redward in seizing and holding the Mutual Telephone, and that he went up to Redward's house and could not find him at home. I made this statement to the authorities last January when under arrest, and while giving a detailed statement of all I knew about the affair.

(Signed)

C. H. CLARK.

Subscribed and sworn to before me this 29th day of October, A. D. 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Affidavit of Thomas Black re F. H. Redward.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

Thomas Black being duly sworn, deposes and says: I am 27 years of age; born in Scotland; have resided some 18 months at Honolulu; occupation, an engineer in the Honolulu Iron Works; reside with Mr. Reid, pattern maker in the same establishment, on Kinau street, about 150 yards away from the residence of F. H. Redward whom I have known for 7 or 8 months intimately enough to have visited his place say

twice a week and have also seen him at Mr. Reid's as well. He is very hostile to the present Government and has frequently indulged in violent talk against it and such talk that would not be tolerated in any of the old countries where there was any such conditions as exist here. This talk on his part would come up on most every occasion and seemed to be really the absorbing thought for the time being of his life. I remember his saying at the time that the Marshal ordered all persons to report firearms that they had that if they came to his premises to search for firearms they would get in the front instead of in the back. He also frequently said that the Government could not last long and that probably within six months we would see who would be on top. I knew that he had a belt of cartridges at his house which had been there sometime full of 45-70 cartridges and also had a revolver with about 100 cartridges for it. He made no concealment of the ammunition that he had, in fact several times he has shown it to us with suggestive remarks as to what would happen if he was interfered with by the authorities. I do not think that his hostility to the Government was so much on account of possible annexation for he did not seem to be very hostile to annexation but was certainly very hostile to this Government and rather than have this Government continue would have seen the Queen back. I remember the Sunday night of the outbreak. I was at Central Union Church and there got wind of it and started home to tell Mr. Reid. Found him and told him and he said Redward had left there just about five minutes before and seemed quite fidgety. On my way up I noticed a light burning in Redward's house. On my return it was out. I knocked at the door loud enough to be heard but received no response and then went on back to Reid's. I know of insanity in the Redward family in the case of two near relatives, one a brother I know of and the other I think a sister. When I say that I know I do not mean that I have seen the individuals themselves that were insane or know by personal observation that they are insane but I have heard it from the immediate friends of Mr. Redward and who had personal knowledge and I have no reason whatever to doubt the statement. I understand that Mr. Redward himself since his confinement has been out of his head. Perhaps this is due to a certain extent to being shut off from stimulants.

(Signed)

THOMAS BLACK.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER.

Notary Public.

Affidavit of A. D. McEvoy in re F. H. Redward.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

A. D. McEvoy being duly sworn, deposes and says: Several times during the last 13 months I called on F. H. Redward in company with Mr. Marchant, the chief gunner of the Champion. Mr. Redward used violent language against the present Government such as the following: That the Queen's Government was not overthrown by fair means, that it was a grand steal by the P. G. and Stevens, and that if President Cleveland would tolerate such and would not restore the Queen then he would be one to fight for her restoration; that he had served several years in the N. G. C. and he understood the handling of men and that with 200 men he could take the Executive Building and Police Station.

(Signed)

A. D. McEvoy.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

(Signed)

ALFRED W. CARTER.

Notary Public.

Statement of John Mitchell re F. Harrison.

Honolulu, }
Oahu. } ss.

John Mitchell being duly sworn, deposes and says: I am acquainted with Fred Harrison and have known him ever since he was a boy. During all this time I have been on speaking terms with Mr. Harrison. John Phillips, the plumber, who does business on the makai side of King street, is a place where a great many royalists congregate and talk over politics. Sometimes we, who are supporters of the Government, go in there and talk it out with them and dispute over politics, etc. I have seen Fred Harrison in there in company with other prominent royalists, to wit, Captain Tripp, John Bowler, John Phillips, P. Rooney, G. Carson Kenyon, C. B. Wilson, F. H. Redward, E. B. Thomas and others.

Fred Harrison and C. B. Wilson are very chummy and friendly. The persons that I have named are known throughout the community as royalists and no one is better known as an ardent and outspoken royalist than Fred Harrison. I heard him talk myself on that side and his opinions are as well-known as any royalists in this city. I have heard him repeatedly cursing the Government. I have heard him announce that he was a royalist and proud of it. I have heard Fred Harrison say that if he had his way the Government

would be in but a very short time. Mr. Fred Harrison's associates and companions and friends are almost exclusively royalists. If he is seen in the evening he is usually in their company. He is particularly intimate with Mr. C. B. Wilson, late Marshal for the Queen.

(Signed)

JOHN MITCHELL.

Statement of James Carty taken before A. W. Carter, February 13th, 1895.

Honolulu, }
Oahu. } ss.

James Carty being duly sworn, deposes and says:

That his hack stand is on Merchant street opposite the office of C. T. Gulick; that he is acquainted with W. H. Rickard, L. J. Levey, F. Wundenberg, Major Seward, F. Harrison, H. A. Juen, A. P. Peterson, P. G. Camarinos, E. Norrie, P. M. Rooney, F. H. Redward and W. F. Reynolds; that they are all bitter royalists; that he has very often seen Levey, Wundenberg, Seward and F. Harrison in the company of Rickard go into C. T. Gulick's office and converse there and has also on occasions seen H. A. Juen, A. P. Peterson, P. G. Camarinos, Ed. Norrie, P. M. Rooney, F. H. Redward and W. F. Reynolds in said office conversing with said Rickard and Gulick; that he has not seen them all there at once, but sometimes a number of them would be there with Rickard and again each of them would be there alone with Rickard.

(Signed)

JAM'S CARTY.

Subscribed and sworn to before me this 13th day of February, 1895.

(Signed)

WM. J. FORBES.
Notary Public.

Exhibit "E."

Whereas I, Fred. H. Redward, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said Fred H. Redward in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allow-

ed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Australia" leaving Honolulu for San Francisco, America, on Feb'y 23rd, A. D. 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department; approved by the Marshal.

Witness my hand this 13th day of February, 1895.

(Signed)

F. H. REDWARD.

Witness:

JAS. A. LOW.

E. G. HITCHCOCK.

In the matter of the claim of W. F. Reynolds. Affidavit of W. A. Kinney.

Hawaiian Islands, }
Island of Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says:

I requested the Marshal to arrest W. F. Reynolds, for conspiracy; my reasons for so doing were these: A. F. Judd, Chief Justice of the Republic, who had been deputized by President Dole to take possession of and inspect all writings and papers found in the private residence of the ex-Queen at the time of her arrest, informed me of the existence of a letter from W. F. Reynolds to the ex-Queen and a draft of a New Constitution, both of which were found in the Queen's private apartments and which in the opinion of the Chief Justice, closely concerned W. F. Reynolds. A copy of said letter marked Exhibit A is hereto attached.

The Constitution in question is in the Foreign Office.

In the opinion of the Chief Justice, whom I knew to be a very good judge of handwritings the letter in question and the corrections in ink and pencil in the Constitution were in one and the same handwriting. Many treasonable documents prepared to be used in case of the overthrow of the Government were reported to have been type-written and we were searching to locate the party who had done the typewriting. The Constitution in question was typewritten and was treasonable on its face; the dates in it showed that it was drawn after the 2nd day of May, 1894, for it refers in its preamble to an election for delegates to a Constitutional Convention held May 2nd, 1894. It treats the interval of time since the overthrow of the Queen as an "interregnum" during which time the "constitutional sovereignty" of this kingdom was held in abeyance. It proceeds to abrogate the Constitution existing under the monarchy at the time of its overthrow, and to undo

about all that was secured by the people and conceded by the throne in the compromise Constitution of 1887.

This document, the time when it was made and the surrounding circumstances, show that it was drawn in contemplation of the overthrow of the Government by force.

In the letter in question Reynolds treats the ex-Queen and addresses her as the reigning sovereign thus: "Her Majesty 'the Queen,'" and signs himself "Your Majesty's obedient servant, W. F. Reynolds." It is by just such sentiments as are expressed in this letter, that the ex-Queen was undoubtedly stirred up to countenance and take part in the uprising last January. The letter alone is a clear violation of the act against seditious offences. After inspection of the letter and Constitution and having already been informed by the Marshal that Mr. Reynolds had been conferring secretly and frequently with Charles T. Gulick, who planned and prepared most of the official documents to be used in connection with the uprising, I caused his arrest as aforesaid.

The paper upon which the Constitution is typewritten branded "W. S. & B. Paragon Linen" and the Globe Legal Wrapper, which covers the same, are sold exclusively so far as I can learn by W. F. Reynolds, he being the agent therefor in these Islands. (See the affidavit of F. W. Makinney, marked Exhibit B hereto attached.)

I have caused some photographs to be taken of portions of the Constitution where interlineations in pencil and ink have been made and also a photograph of the letter, in order that the question of similarity in handwriting may be considered independently by those who have occasion to inspect these papers. These photographs are attached hereto marked Exhibit "C." I also attach hereto the affidavit of the Chief Justice in verification of what I have above sworn to and also the affidavit of E. G. Hitchcock, ex-Marshal, as to the relations existing between W. F. Reynolds and Charles T. Gulick and the treatment of Reynolds while under arrest, and which said affidavits are respectively marked Exhibits D and E. and attached hereto, I may say further that the opinion of the Chief Justice as to the handwriting in the letter and Constitution has been verified by a number of competent business men in my presence.

In regard to the detention of Mr. Reynolds in jail, I have this to say: The uprising caused over 400 arrests which had to be investigated by myself and those associated with me. At the same time the trials were ordered to proceed just as soon as possible, and to be continued without delay or interruption until all cases had been disposed of. This task involved an immense amount of labor; the organization of the court, the preparing of charges and specifications, the investigation of an uprising which was of course secretly planned and zealous

ly hidden and concealed by those who had taken part therein, and the preparation and trial of cases each day compelled us to work night and day. There were from three to five able lawyers rendering assistance all the time. The Police Department was placed at our disposal; private citizens were also called upon to assist. Fully a thousand people were examined, a number of them several times.

One chief difficulty in the work was that the uprising was checked before it had fully disclosed who the participants were and just what their plans and purposes were. The six hours start that the Government had, prevented the foreigners from taking an open part. The plans of the conspirators were that the foreigners were to remain in the town and were not to begin hostilities until the native contingent had arrived in town from Diamond Head, which according to their plan would have been at 6 A. M. Monday morning, January 7th. The Government surprised the insurgents at Diamond Head on the evening of the 6th, and prevented the conspirators at that point from reaching the town at all.

Meanwhile the conspirators in the city did not have an opportunity to learn of the miscarriage of their plans before the city was guarded and patrolled by Government supporters and then it was too late for them to attempt to muster, in fact it was impossible, so that the foreigners never had a chance to engage in open hostilities although they were by far the most dangerous and efficient element among the insurgents and were by far the most responsible and deeply concerned in the affair. The only alternative left to the Government was to follow their cases up one by one from the evidence obtainable, and this was done just as speedily as possible.

Naturally enough the first cases we put on for trial before the Military Commission were those easiest of proof, to wit: cases of those found in open hostility to the Government; meanwhile the investigation of the cases of those who were in the conspiracy but did not get a chance to take an open part, progressed steadily night and day, and as soon as any of such cases were ready they were put on and tried. Then we would try more of those who were taken in the field until another case of the other class was ready for trial, and so it went on. The arrangement of the cases and the order in which they were to be tried being determined solely by circumstances entirely impersonal.

The native leaders unanimously stated that there were a large number of whites who were to join them after they got into town; but that the names of these foreigners were concealed from them as far as possible by the white leaders who consulted with them, owing to the distrust on the part of the whites of the ability of the natives to keep a secret and their reluctance to place themselves in the hands of the natives

until it was absolutely necessary to do so. This statement from the native leaders fixed suspicion still more strongly upon the white royalists under arrest and it became necessary to exhaust all available evidence both from the native and foreign witnesses before any just conclusion could be arrived at as to their guilt or innocence, which was accordingly done. A number of very strong and conclusive cases of treason and misprison of treason were thus made out by the Government against foreigners who when arrested had no more against them than others arrested on suspicion.

Others in the midst of our investigations agreed to leave the country, and upon the conclusion of our investigation those against whom evidence had not developed a case of treason or misprison of treason were released, including Mr. Reynolds. There was not one of those who were released against whom we did not have a *prima facie* case for violation of the Act against Seditious Offences. Their aggressive talk and active participation in the restoration movement had brought them within the act, either for speaking seditious words or for seditious conspiracy; but when the question arose whether such cases should be presented before the Military Commission, the Government decided against the proposition to do so, and concluded to release them, and to try them before the regular Tribunals of the Country when Martial law was off.

Why this was not done I do not know, unless it was that there were so few of them that the matter was dropped in a spirit of leniency.

In my opinion the Government has a case to-day against Mr. Reynolds which would put him in very serious jeopardy, if it was pushed.

When these prisoners were released, such as Reynolds, Rawlins, Lycurgus, Thomas and the others, they were informed if I mistake not that the Government reserved its right to call their cases up again later on. (See affidavit of ex-Marshal E. G. Hitchcock, herein, on that point.)

I attach hereto a copy of the Act against Seditious utterances above referred to, marked Exhibit F.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Exhibit "A."

In the matter of the claim of W. F. Reynolds.

June 19, '94.

HER MAJESTY THE QUEEN.

I trust your majesty will not consider me as presuming too much but my attention was called last night to the advisability of your majesty now *demanding* an answer to the protest of January.

My opinion is that such is an important and necessary step. See that copies are served on England, France and Japan, and let it be done at once, attested by ALL your majesty's ministers. The situation is one of the greatest gravity but let me beg the Queen to be brave for she has loyal hearts and true among her white friends.

Promptness is of importance just now and if your majesty thinks well I would like to see Capt. Nowlein on other matters affecting the Queen's interests.

With respect and loyalty.

Your Majesty's obedient servant,

(Signed)

W. F. REYNOLDS.

Exhibit "B."

In the matter of the claim of W. F. Reynolds. Affidavit of F. W. Makinney.

Honolulu, } ss.
Oahu. }

F. W. Makinney being duly sworn, deposes and says:

That he has examined the paper upon which is typewritten the new Constitution referred to in the affidavit of W. A. Kinney herein and that he is familiar with that brand of paper; that the same, is and according to the best of his knowledge, has been sold by the said W. F. Reynolds as the sole and exclusive agent of said paper; that said paper, is not, nor for more than a year last past been sold by any dealer in Hawaii other than the said W. F. Reynolds and this affiant, who began selling it some five months ago and that affiant is informed and believes that the said Reynolds has been the sole agent thereof in Hawaii for nearly five years last past. That affiant has used the same brand of paper for nearly ten years and the water mark thereof "W. S. & B. Paragon Linen" is the brand or trade mark thereof. That the sample hereto attached is the same in quality and make as that upon which said new Constitution is typewritten.

(Signed)

F. W. MAKINNEY.

Subscribed and sworn to before me this 1st day of November, 1895.

(Signed)

WM. J. FORBES,
Notary Public.

Exhibit "D."

In the matter of the claim of W. F. Reynolds. Affidavit of A. F. Judd.

Honolulu, }
Oahu. } ss.

A. F. Judd being duly sworn, deposes and says, is Albert Francis Judd. I am Chief Justice of the Supreme Court of the Hawaiian Islands, which office I have held since November 5th, A. D. 1881, having been an Associate Justice of said Court continuously from the 18th of February, A. D. 1874, to the date of my promotion to the position of Chief Justice. On the 16th of January, 1895, I was asked by President Dole to proceed immediately to the ex-Queen Liliuokalani's residence on Beretania street, Honolulu, called "Washington Place," and take possession of and examine the ex-Queen's papers.

I arrived at Washington Place at about twelve noon of the said 16th of January in company with Deputy Marshal A. M. Brown. Mr. Brown had a few moments before, taken the ex-Queen from Washington Place to the Executive Building as a prisoner. Immediately on entering Washington Place I went into the ex-Queen's private office which is situated at the southwest corner of the residence (down stairs) on the left-hand side as one enters the main hall. Here I seated myself at the ex-Queen's private desk and at once began taking from drawers and pigeon-holes of the desk all the letters, writings, papers and documents therein contained. I made a hasty examination of many of them. I also took from the money safe at the end of the main hall a quantity of papers, and looked them over. This occupied me continuously until 4:20 o'clock of that afternoon. Finding that a careful examination would require much more time, I packed the papers in two grain sacks and took them together with a portable writing desk of the ex-Queen's and deposited them in the Foreign Office in the custody of Major Potter. The next day, the 17th January, I took the papers from the Foreign Office to Mr. Justice Frear's room in the Judiciary Building adjoining my own chambers. The fastening of the sacks containing the papers had not been disturbed. Here I spent the entire day and the day thereafter making a schedule of the papers, I spread out

all the papers on a table and read to Mr. Henry Smith, my clerk, a very brief statement of what each paper was, he writing the same down and numbering the paper, placing the same number on the margin of the description on the schedule, first having sorted them somewhat. A letter dated the 19th June, '94, "from W. F. Reynolds" addressed to "Her Majesty the Queen" had attracted my attention during my examination of the papers the day before.

This letter was not enclosed in any envelope. I am quite certain that I found it in the writing desk first referred to. I took the papers of the ex-Queen from no other places than the desk first referred to, the safe and the portable writing desk. I had the letter numbered "13" and dictated its purport to Mr. Smith. This letter has on its second and fourth pages upon which Mr. Reynolds had not written anything, a genealogical table or tree of a Hawaiian chief "Akahi" by name written in pencil by the ex-Queen Liliuokalani. I am familiar with her hand-writing and I identify it as such. The letter of Mr. Reynolds is now before me and is referred to in W. A. Kinney's affidavit (which I have read) as Exhibit "A." I recognize it as the letter I found in the ex-Queen's desk first referred to in this affidavit. Proceeding with the work of making a schedule of the papers before me, I came to a typewritten draft of a Constitution which purports on its first page to proceed from "Liliuokalani, Queen of the Hawaiian Islands "in our capacity as sovereign of this kingdom." It consisted of 85 articles and was typewritten on 30 pages, enclosed in a light yellow wrapper with the imprint "The Globe Legal Wrapper." On reading it I found it was a recent production mentioning on its first page the election of delegates to a constitutional convention as having occurred on the 2nd day of May, 1894. I read it carefully and found it had received several corrections and amendments all with lead pencil, except one which was with pen and ink. This amendment in ink is on the 20th page, article 58, corrected to "58" in pencil from "55" as original typewritten. The typewritten words "Two Hundred and Fifty" have a line drawn through them and immediately above are written the words "Five Hundred." I was immediately struck with the remarkable similarity of the "F," the first letter of the word "Five" with the "F," the second initial of the signature "W. F. Reynolds" in the letter then just previously scheduled by me as No. "13" and with other capital "F" in the letter. I immediately compared the two placing them side by side, and was convinced that the amendments to the draft Constitution I was examining were made by W. F. Reynolds. I numbered this draft constitution "39" on its wrapper and on the schedule. I have now before me the draft of the constitution which I had examined as above stated. It is the one referred to in W. A. Kinney's

affidavit as Exhibit B. I consider myself as a very good judge of handwritings, though not a professional expert, but as seldom making a mistake in identifying handwritings that I have seen before. In receiving letters from my correspondents I am able to say who the writer is, from a mere inspection of the address on the envelopes. Examining the letter of W. F. Reynolds (copy Exhibit A) with the amendment to Article 58 of the draft of the constitution (copy Exhibit B) I now say that I believe them to be made by one and the same person, to wit, W. F. Reynolds. I am of the opinion also that the word "the" in the 27th article of said draft of constitution on page 9 thereof, was written by W. F. Reynolds. It takes the place of the word "this." This word "the" exactly similar to the word "the" in the address of the letter of Reynolds. I mean the third word of the address "Her Majesty the Queen." The word "the" occurs three times in the first page of the letter and in no instance is the "t" crossed. The "t" is not crossed in the "the" in the correction in draft of the constitution article 27 thereof, or wherever occurring in other corrections. I was on the 17th January last and continue to be satisfied that the addition to article 33 of the draft of constitution (page 11) being words "such fees to be handed to the Finance Office as-a government realization" was written by W. F. Reynolds; also that an addition to article 34 of the said draft on page 12 being the words "to be afterwards turned into the Finance Office as a government realization," was written by W. F. Reynolds; also that the renumbering of article 30 to 85 was done by him and all other corrections and interlineation and additions except one, to wit, the word "Com" on the second page of the draft constitution which appears to me to be in the handwriting of ex-Queen Liliuokalani. Being convinced that the draft of the constitution referred to had been reviewed, corrected and amended by W. F. Reynolds I immediately reported my belief to W. A. Kinney, Esq., the attorney representing the Government. The letter of W. F. Reynolds and the draft constitution referred to in this affidavit and all other papers taken by me from the ex-Queen's apartments I retained possession of until March 1, 1895, when I delivered them to Mr. F. M. Hatch, Minister of Foreign Affairs. While they were in my possession several officials of the Government from time to time inspected some of the papers with my permission.

(Signed)

A. F. JUDD.

Sworn and subscribed to before me this 31st day of October, A. D. 1895.

(Signed)

J. A. THOMPSON.

Clerk Circuit Court, First Circuit of the Republic of Hawaii.

Exhibit "E."

In the matter of the claim of W. F. Reynolds. Affidavit of E. G. Hitchcock, ex-Marshal.

Hawaiian Islands, }
Island of Oahu. } ss.

E. G. Hitchcock, being duly sworn, deposes and says:

I have read a copy of the complaint of W. F. Reynolds to his Government in reference to his treatment during the uprising of January last, and so far as his statements refer to me, I wish to say I that caused his arrest at the request of Judge Advocate Kinney. He was arrested on Thursday, January 17, 1895, for conspiracy, and his case from the beginning was under the control and direction of the Judge Advocate, Mr. W. A. Kinney aforesaid, and the Military Authorities.

As to his treatment while in confinement, I have this to say:

The City Jail and Oahu Prison were full to overflowing and there was some unavoidable cases of inconvenience and hardship; but very few, considering the difficulties we had to contend with. Certainly there was no intention on our part to oppress anyone.

Mr. Reynolds was not fed on prison fare; but upon the same fare as our own men were having, i. e., our guards and the citizens who were helping us. I sent for everything he asked for, his own bedding, clothing, mosquito net, novels, etc. He had plenty of reading matter.

He was also allowed frequent communication with his clerk, Mr. Weed.

I do not understand what Mr. Reynolds means by saying that his private business correspondence was opened by persons who were more or less competitors of his business. The only two persons that assisted me in the opening of mail addressed to prisoners were W. H. Rice and Mr. Henry Waterhouse.

Mr. W. H. Rice, who was Governor of Kauai under the ex-queen, was then in Honolulu on a visit, and did not have, as far as I know, any connection with any mercantile business in Hawaii. He raises cattle for his living.

Mr. Henry Waterhouse, is the owner of a large wholesale dry goods business, and perhaps Mr. Reynolds refers to him. Competition between the two, if any, must be very remote.

Both Mr. Rice and Mr. Waterhouse are men of acknowledged standing and integrity in the community, and I do not believe that Mr. Reynolds can show that he suffered in any way by reason of the assistance they rendered me. I had to get some one, and I think that the selection was as good as could have been made.

For sometime prior to the uprising, I was credibly informed that Mr. Reynolds, the claimant was known to be in frequent conference with Charles T. Gulick, who was one of the chief planners of the uprising, and the one who drafted many of the official documents required in that undertaking. (See affidavit of Jas. Carthy among the papers in the claim of F. H. Redward.)

When I released Mr. Reynolds by the order of the Military authorities, I told him in substance, and also all others who were released without trial before the Military Commission, that they were liable to be re-arrested and arraigned in the Police Court after martial law was over, for charges that the Government did not wish to press before the Military Commission.

I knew Mr. Reynolds to be an ardent supporter of the ex-queen, and an advocate of her restoration, and one who talked very loudly and openly in her behalf and against the existing Government. This I knew of my own personal knowledge.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Exhibit "F."

ACT 8.

An Act concerning Seditious offences.

Be it enacted by the Executive and Advisory Council of the Provisional Government of the Hawaiian Islands:

Section 1. Everyone commits a misdemeanor who publishes verbally or otherwise, any words or any documents with a seditious intention. If the matter so published consists of words spoken, the offence is called the speaking of seditious words. If the matter so published consists of written or printed words, the offence is called the publication of a seditious libel.

Section 2. Everybody commits a misdemeanor who agrees with any other person or persons to do any act for the furtherance of any seditious intention common to both or all of them.

Section 3. A seditious intention is an intention to bring into hatred or contempt, or to excite, disaffection against the Provisional Government of the Hawaiian Islands, or the laws thereof, or to excite the people to attempt the alteration by force of any matter established by the laws of the Provisional Government, or to raise discontent or disaffection against the

Provisional Government, or to promote feelings of ill-will and hostility between different classes of people in the Hawaiian Islands.

Section 4. In determining whether the intention with which any words were spoken, written or printed, any document was published, or any agreement was made, was or was not seditious, every person must be deemed to intend the consequences which would naturally follow from his conduct or the words spoken or published at the time and under the circumstances in which he so spoke, published or conducted himself.

Section 5. Any person adjudged guilty of any misdemeanor within the meaning of this Act shall be punished by imprisonment at hard labor for not more than two years, or by fine of not more than one thousand dollars.

Section 6. District Magistrates and Circuit Judges shall have concurrent original jurisdiction to hear and determine cases under this Act.

Section 7. This Act shall take effect upon publication.

Approved this 30th day of January, 1893.

(Signed)

SANFORD B. DOLE,

President of the Provisional Government of the Hawaiian Islands.

(Signed)

J. A. KING,

Minister of the Interior.

In the matter of the claim of T. W. Rawlins. Affidavit of E. G. Hitchcock,

Oahu, }
Honolulu, } ss.

E. G. Hitchcock, being duly sworn, deposes and says: I know T. W. Rawlins; he resided in these islands for many years; I knew his uncle, who started a soap manufactory in Honolulu, in which business he was succeeded by the claimant. Mr. Rawlins is not what you would call an educated man and is extremely hard headed and set when he once gets an idea. His general reputation and character is however, considerably above many of the foreign political prisoners. Rawlins is very outspoken and shortly after I took office as Marshal, I found that he was opposed to the new Government and desired the restoration of the monarchy. Opposition only makes Mr. Rawlins more stubborn and the failure thus far to restore the monarchy has simply made him more and more determined and set in his ways; with his personal convictions of course I did not have any concern, but I found that he was agitating and was expressing his sentiments to natives and

others, and inciting and encouraging them to accept nothing but the restoration of the monarchy; so that I had to count him as one who had taken upon himself the responsibility of taking part in the agitation and movement to restore the Queen.

He was very intimate with Fred Harrison, Tom Walker, Ed. Thomas, Fred W. Redward, John Bowler, and a few others who talked so much that they were known as royalists from one end of the island to the other by those who took trouble to inform themselves about political matters.

Mr. Rawlins associates a good deal with native Hawaiians and is very friendly with them and has considerable influence among them. His sentiments from his own lips are well known amongst Hawaiians and he has made himself popular with them on that account.

His talk has been of the same general character as that of Harrison, Thomas, Redward, as reported in my affidavits filed in the matter of their several claims against this government.

He was very often with them when they did their talking, they were in the habit of frequenting saloons and public resorts in company with each other, so that if you saw one of them, his mates aforesaid or some of them were pretty sure to be near.

The leader among these men that I have named, Harrison, Redward, Rawlins and others, was undoubtedly Tom Walker, now under sentence for treason, upon public admission of guilt.

In the latter part of 1894, Rawlins was reported to me as having gone to Maui to carry information and to consult with the leaders on Maui, who were in the conspiracy to overthrow the government, and he did go to Maui for a short time, giving out that he went to look over the field to start business.

In the second week in December, 1894, he was reported to me as attending a meeting of conspirators held at Kakaako, December 12, 1894, at which meetings plans were discussed for the overthrow of the Government, he taking part in such plans and plotting.

His attendance at said meeting was reported to me by one who claimed to be at the meeting himself and who heard what was said at the meeting himself. He reported the matter to me the next day, December 13th.

Mr. Rawlins' whole course since the overthrow, his voluntary association and close intimacy with such men as Tom Walker, Bowler and others, coupled with the specific reports aforesaid, and information coming in from all sides, of a conspiracy actually under headway, led me to believe and I did believe that Mr. Rawlins was one of those who at the time was conspiring to destroy this government by force, and when the uprising came the next month I arrested him for conspir-

acy. His case was turned over to the Judge Advocate and by his orders he was released on the 5th of February.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of T. W. Rawlins. Affidavit of W. A. Kinney.

Honolulu, }
Oahu. } ss.

W. A. Kinney, being duly sworn, deposes and says:

I examined into the case of T. W. Rawlins, as presented to me by the Marshal, his statements then being in substance what he has set forth in his affidavit herein.

My investigation confirmed the Marshal's report, as to the charge that Mr. Rawlins had been inciting and stirring up the natives to hold out for the restoration of the monarchy, I further found that his associations with those actually concerned in the uprising had been so intimate and close and confidential that I was morally certain that Rawlins was in the conspiracy, but I could get no further evidence of attendance at treasonable meetings than that already obtained by the Marshal, and I therefore recommend that he be discharged on his own recognizance to appear when called upon by the regular officers of the law when Martial law was off; it being understood that his case would then be revived and looked into again, for I was not only not satisfied of his innocence, but I felt morally certain that he was guilty and that a subsequent investigation would probably bring to light the necessary proofs. That ended my connection with the case.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of T. W. Rawlins. Affidavit of J. A. Low.

Honolulu, }
Oahu. } ss.

J. A. Low, being duly sworn, deposes and says:

I received Mr. T. W. Rawlins, with others, on January 8th, 1895, as a committed political prisoner.

I offered to telephone for bedding, clothing and so on for him, as I had for others, saying that our cells were only furnished with hammocks and blankets.

I believe he said that his folks would likely be over as they knew of his arrest and he would write a note as he had no telephone, for such things as he needed.

His statement that he was served with a dirty blanket is not true; most of the political prisoners received blankets that had never been used before and were purchased for the occasion. If Mr. Rawlins did not get one of these he certainly got a clean one from the linen closet of the prison. The system of the prison is such that incoming prisoners receive their blankets direct from the linen closet where they are stored after being washed.

The cells measure about 6 feet wide by 8 feet long. It is true that he had but 4 hours liberty out of the 24, but it is not so that he had less.

(Signed)

JAS. A. LOW.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

In the matter of the claim of G. Carson Kenyon. Affidavit of E. G. Hitchcock, Ex-Marshal.

Honolulu, }
Oahu. } ss.

E. G. Hitchcock, being duly sworn, deposes and says:

I know G. Carson Kenyon, he has resided in this country for a long time. Has been a school master in the Government employ in schools composed of native children.

Of late years he has drifted into newspaper and clerical work. He is a good Hawaiian scholar and can read, write and speak the Hawaiian language fluently. He has associated with the natives considerably more than most of the foreigners, who have been and are still agitating for the restoration of the Queen.

Prior to the overthrow of the Queen in 1893, Mr. Kenyon was personal secretary and amanuensis for Charles B. Wilson, then Marshal and confidential adviser of the Queen. Mr. Wilson was then running the "Holomua" as his personal organ and Kenyon was doing the writing for the paper; when the overthrow came Kenyon seemed to devote himself exclusively to the paper and ran the same in English and Hawaiian as a radical and violent opponent of the new regime and as an advocate of the restoration of the Queen. To the Holomua, as

conducted by Kenyon, and later by Norrie, must be assigned the chief part in my opinion in promoting and stirring up the uprising that took place in January last.

After the overthrow Norrie went into the paper with Kenyon, but Kenyon was the real manager of the paper and fully responsible, legally and otherwise, for all that appeared in that publication. It continued until the Fall of 1893, when it got into financial difficulties and was closed up, and there after reorganized with E. Norrie at the head of it, who continued the paper along the same lines.

I considered the "Holomua" as run by Mr. Kenyon, particularly the Hawaiian portion thereof, as nothing more nor less than a revolutionary organ, which advocated the restoration of the Queen by peaceful means if possible, if not by all or any necessary means.

Owing to the strict laws passed by the new government in reference to seditious writings, Mr. Kenyon had to put a certain veneer and veil over the true purpose and intent of his writings, but he sailed just as close to the line that divides lawful from unlawful writings as he could, and very often in my opinion laid himself liable to the law.

He was using Johnny Sheldon as the assistant editor of the native branch of the paper.

The whole purpose and intent of Mr. Kenyon, as evidenced in his organ, was to alienate the native people hopelessly against the new government, and to bulldoze and terrify any one among them who might be showing inclinations, to becoming reconciled to the new government. There were no papers either in English or Hawaiian more radical than Kenyon's paper; I kept track of them all and understand both native and English.

Revolutions are not started these days without the aid of newspapers and Kenyon's newspaper with Norrie's continuation thereof was the newspaper, so far as the uprising was concerned, principally responsible therefor.

It is true Mr. Kenyon's connection with the paper ostensibly ceased in the latter part of 1893, but the paper was reorganized, continued along precisely the same lines laid out by Kenyon, and his admitted work was an important part of the sum total of the revolutionary mischief done by the Holomua.

His relation with Mr. Norrie continued friendly and he was continually at the Holomua office after he had formally ceased his connection therewith, and I was satisfied and was credibly informed that he was continuing his influence in that paper and still wrote there for and was egging along the same policy he had been following theretofore.

I was repeatedly informed of the intimate and confidential relations existing between Kenyon and the native political leaders of the Queen.

His conversation and actions during 1894 and up to the time of the uprising, as reported to me, showed no change of heart or policy from what he had shown while openly running the Holomua. Further, his associates, native and foreigners, were almost exclusively rank agitators for restoration.

He was reported particularly to me as intimate and confidential with such men as T. B. Walker, Harrison, Levey, C. T. Gulick, W. H. Rickard, and others who were directly or indirectly concerned in the uprising, and these intimate and confidential relations with the parties aforesaid continued right up to the time that the uprising started, this existing as it afterwards turned out and was conclusively proven, while many of his intimates were plotting and planning and preparing for the affair that came off, so that when that uprising came I sincerely and honestly believed had cause to believe him to be a party to the conspiracy of his associates and others to overthrow the government by force. At the same time I knew he did not have the courage to engage in actual hostilities and I therefore did not consider his immediate arrest necessary. At the time of the uprising and upon representations made to me that newspaper men worked nights and needed passes, I gave him, in common with all other newspaper men, a pass good for a limited number of days.

When, however, actual hostilities in the field had been pretty well broken down and the newspapers began to make themselves heard again and to demand my attention, I considered it dangerous for Kenyon to be at large and arrested him for conspiracy on the 15th of January. At the time of his arrest there were threats of lynching prisoners by hot headed government supporters and counter-threats of rescue and uprising by sympathizers and co-conspirators of the prisoners. The royalist newspapers were commencing already to make mischief and to block our investigations slyly by counselling the suppression of evidence and by giving information of our intended movement. I had to call the Bulletin, which Kenyon was working upon at the time, severely to account before his arrest; several native editors were arrested in the same way as Kenyon.

The ironing of prisoners in going to jail was a necessary precaution at the time; the sympathizers and co-conspirators of the prisoners by that time had got over the first fear which came with the quick suppression of the uprising, and were becoming sullen and ugly again. Kenyon went over with a large number of men and among them some desperate men and hard characters. T. B. Walker, who was in that lot, was justly considered a very daring man, and at that time he was in a jeopardy that would invite him to take desperate chances. We could only spare a few guards to take them over and did not feel called upon to run any risk of escape or interference, and the irons were therefore used.

As things became more tranquil or when we had abundance of guards the irons were not used.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of G. Carson Kenyon. Affidavit of J. A. Low, Jailor of Oahu Prison.

Honolulu, }
Oahu. } ss.

J. A. Low, being duly sworn, deposes and says:

I have read the complaint sworn to by G. Carson Kenyon before the Vice-Consul, T. Rain Walker, her Britannic Majesty's Vice-Consul at Honolulu, under date of May 19th, 1895, and in so far as it pertains to me and his treatment while confined at Oahu Prison, I beg to state: that that portion of his statement wherein he complains of the quantity of the food served and the cooking thereof, is false. The food was cooked for my table in the same pots, was a part of the food given Kenyon; it was served in great quantities and never did Mr. Kenyon want, for I have seen him get up from a meal set before him, leaving quite a residue on the plates; his statement purporting that I refused to let him write to the British Minister is also false. At the time Mr. Kenyon arrived at the jail, the work of caring for many prisoners confined there was well systemized; my deputy stood duty in the yard with pencils, envelopes and paper, allowing any and every one to write to whom they so desired, and in this matter, I need only to refer to the British Minister himself, for I believe at this time he must have had several letters which had come from political prisoners then confined in Oahu Prison. It may be possible that I was requested by Mr. Kenyon for the privilege of writing to the British Minister, and that I answered, "I will telephone him to come over to see you and thereby save you the trouble of writing," for I remember of doing this for a few of the prisoners.

His further statement that I told his aunt, Miss Agnew, that if he did not sign he would surely get from three to five years imprisonment at hard labor, is also false.

I beg to state that I never spoke to the lady only on matters pertaining to soiled linen or books and reading matter which she may have passed in.

(Signed)

JAMES A. LOW.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of G. Carson Kenyon. Affidavit of John G. M. Sheldon.

Island of Oahu. }
Hawaiian Islands, } ss.

John G. M. Sheldon, being duly sworn, deposes and says:

I am half native and half white, being the son of Henry L. Sheldon, for many years editor of a newspaper and a newspaper man of this city.

I learnt the trade of printing under my father, and later branched out into work as an editor, and have been in that business for over twenty years, during which time, I have written for native newspapers: sometimes as chief editor, and sometimes as assistant.

Before the overthrow of the Queen, I was running the native edition of the "Holomua." This paper was printed one-half in Hawaiian, the other half in English.

The Hawaiian portion was supposed to follow, to a certain extent, the sentiments and ideas expressed in the English portion of the paper.

This paper was run by Charles B. Wilson, then Marshal, and confidential adviser of the Queen.

George Carson Kenyon was running the English portion of the paper. He was working in the Marshal's office as a kind of private secretary and confidential man to Charles B. Wilson. His English editorials, etc., would be sent up from the Marshal's office to the newspaper office and there printed.

When the overthrow came, resulting in the dismissal of Charles B. Wilson, it of course carried Kenyon out of employment as well, and he moved up to the office which then was on Nuuanu Street, and took personal charge of the paper. E. Norrie going in with him. Kenyon was really the acknowledged owner and director of the paper, and did a large part of the editorial work in both languages. He, not Norrie, had control and direction of the native branch of the paper, which I was running and he continued in control and direction of the native branch of the paper, and had the largest portion of the control of the English part of the paper until some time in the fall of 1893, when the paper came to grief financially, and had to be sold to pay the printers' wages. It was reorganized with Norrie at the head of it and continued in about the same strain right along.

Just as soon as Kenyon dared, after the overthrow, he started in violently against the new government, and directed me to follow suit in the Hawaiian Branch of the paper. He would write articles in Hawaiian himself, and was able to converse fluently in the Hawaiian language, and he also had an extensive acquaintance among the native politicians and natives generally.

His acquaintance with the natives and the native language grew out of the fact that he had taught in the public schools for many years amongst the Hawaiians at Koolau and Kalihi.

He has had very much more to do with the natives than most of the foreigners, who were agitating for the restoration of the Queen.

Following his instructions, I wrote as violently as I dared against the Government, yet Kenyon said I was not writing hot enough, and kept stirring me up to write hotter still.

I was up two or three times before the authorities for the articles I wrote, and at one time I was locked up for a week nearly. Still Kenyon egged me on and said that he would back me up and look out for me if I got into trouble. Kenyon himself kept in the background, so that the authorities lacked sufficient proof to go for him, and I got out of my troubles quite easily because everybody knew that I really was not the responsible man and that I was simply acting at the bidding of others.

Norrie and Kenyon were both very bitter in the English part of the paper. Kenyon more bitter than Norrie. The English portion of the paper, however, was not so strong as the native. Kenyon would sit down and write a very violent article in English for me to translate into Hawaiian, then he would tone down his English copy a great deal and then put it into the paper, so that many articles that he wrote in English for me to translate to be put into the paper never appeared in the English part of it, at all, unless cut down so that it was practically a new article.

The whole plan and policy of the Hawaiian portion of the paper as run by Kenyon and myself was to fire the native to an extent that there could be no reconciliation between them and the new government. The one object being the restoration of the Queen. Kenyon and I were working for nothing else.

He kept in communication with the head native leaders, D. W. Pua, Joseph Nawahi, Samuel Parker, J. A. Cummins, Kanui, J. Kaunamano, and many others were in his office frequently consulting with him almost daily. I have frequently heard him advising with and encouraging natives, telling them that the Queen would surely be restored and advising them to hold out for restoration, and to refuse to recognize the Government which was the same kind of advice that was daily given out through the newspapers to the public at large.

Our paper was the most radical paper published in the Hawaiian language, at the time and it fired the natives so that they were prepared to revolt against the Government if it was necessary to get the Queen back. The honest truth was that it was a revolutionary paper and nothing else. Its policy was to make the native irreconcilable, and it succeeded. It had subscribers among the natives all over the Islands. To this day you will hear natives say that no paper published since the overthrow has exceeded in the violence or has been stronger or more effective than that paper published by Kenyon and myself. It has had a great effect on the native people.

The old conditions and relations between the natives and foreigners has been completely changed since the overthrow of the queen. The work that we did was done in fertile soil. The natives were sore and disappointed and grieved over the dethronement of the queen, and the appeals of Kenyon and myself had great effect and knowing the state of mind they were in we just poured it in hot so as to win our cause.

Since the paper broke up, I have not been associated with Mr. Kenyon in any work whatever, and what he has been doing or saying since then I do not know.

While Kenyon was running the paper he was in communication with the queen. Joe Heleluhi, the queen's personal agent and attendant, used to come down to Kenyon with money, and the queen supported that paper as long as she could.

The native branch of that paper as run by Kenyon and myself repeatedly claimed before the native people that the present Government was a usurpation; had no right to exist; that the men who were running it had stolen the country from the natives; that it was a wrong that would surely be righted; that they should hold fast and not recognize the Government in any way whatever; that they should stand first, last and all the time for restoration of the queen; that any native that dared to give in his allegiance to the Government or otherwise recognize it was a traitor to his nation and to his country, and that the day of reckoning would come to all such people; that the new Government would rob the natives of what few rights they had left just as soon as they got the chance and would make slaves and serfs of the natives in their own country, and that there was no hope for them if they yielded at all to the new Government, and so on every appeal to the passions and feelings of the natives that we could think of being made Kenyon knew everything that went into the paper carefully reading the paper every day.

(Signed)

JOHN G. M. SHELDON.

Subscribed and sworn to before me on this 2nd day of November, A. D. 1895.

(Signed)

EDWIN A. JONES.

Notary Public.

In the matter of the claim of G. Carson Kenyon. Affidavit of W. L. Wilcox.

Honolulu, }
Oahu. } ss.

W. L. Wilcox being duly sworn, deposes and says: I am official Hawaiian translator and interpreter of the Government and have held that position continuously since the year 1867. I was appointed under Kamehameha V. and have held office under four monarchs of Hawaii; I remained in office when the new Government came into power.

I know G. Carson Kenyon and know that he ran a native and English newspaper, called the "Holomua," for some time after the overthrow of the queen. I used to read this paper as also other native publications to keep track of what influences were being brought to bear upon Hawaiians. It was semi-official work, the Government desiring that I should do it and keep them informed of anything I thought might be serious.

At the time the paper in question was being published, I considered and still consider it a revolutionary organ, run with the intention of preventing the new Government from establishing friendly relations with the natives and of stirring up and committing them to an irreconcilable hostility and rage against it for the very purpose of preparing them to use force to restore the queen if other means, such as foreign intervention, etc., failed meanwhile.

The Hawaiian language is one peculiarly adapted to convey intelligence by innuendo or suggestion merely, and the natives are a very secretive people and peculiarly fitted to convey intelligence to each other in the same way. These facts could not fail to be known to anyone reasonably well acquainted with them. Language in the mouth of a Hawaiian often means something serious when the same in the English language would mean nothing. They are not a people given to extravagant, vituperative or violent language in expressing their feelings. I have witnessed several outbreaks among them. They have occurred with no such forewarning as would come among whites under the same circumstances, yet there were forewarnings of such events understood by Hawaiians and those well versed in their language and ways.

Mr. Kenyon of course had to be very guarded in order to avoid the consequences of the law which was very strict in regard to seditious utterances, and most of the articles in his paper were carefully veiled and often interlarded with ostentatious advice to be peaceful and law abiding, yet I have no hesitancy in characterizing his paper as a revolutionary one, which did its full share in paving the way for the uprising that took place. I have often talked with the Marshal about

these native publications, including Kenyon's, before the uprising, and gave him my opinion of them as above expressed.

Many of these editors were arrested now and then, but nothing came of the prosecutions. They always had a plausible and harmless interpretation to give to their utterances and it was next to impossible to convict them before juries.

Within a day or two after the uprising in January last, some of the native newspapers started in making mischief, saying, we have failed this time, but let us try again. Don't give anything away, etc. They were arrested and properly so in my opinion and I further believe that it was unwise to have allowed Kenyon at large at that time. The work he did just on top of the overthrow of the queen in alienating the natives is certainly sufficient evidence to justify preventing him from using similar methods during the unsettled condition of affairs following the uprising in January last.

(Signed)

W. L. WILCOX.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of G. Carson Kenyon. Affidavit of W. A. Kinney.

Honolulu, }
Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says: I have read the affidavits of E. G. Hitchcock, John G. M. Sheldon and W. L. Wilcox herein, and was made acquainted with the substance of what is set forth in their affidavits, at the time the case of G. Carson Kenyon was turned over to me for investigation as Judge Advocate, last January.

I had no need of verifying the information so given me for I had personal knowledge of the character of the newspaper run by Mr. Kenyon in 1893, and of its successor, with which he was said to be closely connected, and for which he was said to be writing during 1894 and up to the time of the uprising.

I was born in the city of Honolulu and can read and speak the Hawaiian language.

I consider that it was just and necessary that Mr. Kenyon should be detained until we had concluded the examination of the available evidence concerning the uprising and those who were concerned in planning and bringing it about.

I felt particularly the propriety of so doing in Kenyon's case because his intimate association and relations with the native leaders of the queen's cause, led me to believe that it was

among the Hawaiian witnesses that proof of his guilt or innocence would be established, and a large number of such witnesses available to us then remained unexamined by us.

When the examination and investigation in question closed, nothing had developed against him sufficient to try him before the Military Commission. I was satisfied, however, that he had been guilty of violation of the act against seditious offenses I did not have time to prepare the evidence then, nor would it have done any good as offenses of that kind were not to be tried before the Military Commission. The Government had so decided. He was therefore released in common with others on the same footing, with the understanding that their cases would be revived by the regular officers of the law in the courts when Martial law was over.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of L. J. Levey. Affidavit of Ex-Marshall E. G. Hitchcock.

Island of Oahu. }
Hawaiian Islands, } ss.

E. G. Hitchcock being duly sworn, deposes and says: I am acquainted with L. J. Levey. He was one of the leaders of the party moving for the restoration of the queen, and was as well-known here to be a supporter of the royalist movement as I am known to be a supporter of the Government. When all hopes of anything like a peaceful restoration either by foreign intervention or otherwise had ceased, Mr. Levey still remained an active advocate and predictor of restoration, though he, in common with other leaders of that party after the Republic had been recognized by foreign powers, ceased to give any express explanation of how the queen was to be restored; but by their language, expressions and actions the restoration party gave the other side to understand unmistakably that it was by force. The extraordinary preparations made by the Government and its supporters, is conclusive proof of the genuineness of their belief in the revolutionary purposes and intentions of the restoration party. Mr. Levey's auction rooms was a regular rendezvous for the active workers on the queen's side. This was patent to everybody. It was continually reported to me before the uprising that many private conferences between the royalists were held in his back room. It was with Charles T. Gulick, during the few months prior to the

uprising, when, as it turned out, Mr. Gulick was laying out plans for the uprising that afterwards took place. Mr. Levey took an active part in the politics of the islands, as active a part in fact as though born in the country. At public meetings of the royalists he was present; took an active part in getting them up and running them. He expressed his hostility to the Government sympathy with the queen and his belief in her restoration openly in such a way as to influence others to hold out against the Government. In December, 1894, M. F. Crandall, a detective in the employ of the Custom House and in my employ as well, reported in writing to me through J. B. Castle, the Collector of Customs, some down right treasonable talk on the part of Mr. Levey. Copies of these reports are to be found in the counter statement in the matter of the claim of C. W. Ashford. I believed these reports to be true, and events bore them out. Reference by C. W. Ashford and Levey to the arrival of the boat at the very time as it now transpires when she was looked for, is extremely significant particularly when one takes into consideration that Mr. Crandall himself at the time had no means of knowing fully the significance of what he reported. When the uprising came, as predicted by Mr. Levey, I caused his arrest for conspiracy, after consultation with the Attorney-General, and turned his case over to the Military Authorities. Mr. Levey's own actions and entire course politically paved the way for a belief on my part that he had talked as reported by Crandall. I believed in his guilt then and now.

(Signed)

E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

In the matter of the claim of L. J. Levey. Affidavit of W. A. Kinney.

Hawaiian Islands, }
Island of Oahu. } ss.

W. A. Kinney being duly sworn, deposes and says: I have examined the affidavit made by E. G. Hitchcock herein and he communicated the substance of all therein written to me when Mr. Levy's case was turned over to me to investigate as Judge Advocate, last January.

I examined sufficiently into it to satisfy me that it was a case in which we were justified in detaining Mr. Levey until we had completed our examination of all available evidence, both native and foreign, concerning the uprising, for in in-

vestigating the cases against the foreign political prisoners, it was impossible to take up one man's case, and complete it by itself. Often we ran upon evidence against an individual, without the least expecting it, and while considering matters entirely foreign to his case. The evidence in the different cases interlaced so that one could not fairly judge of any one man's case or come to any just conclusion as to his guilt or innocence until the whole was laid out before you. A matter of evidence apparently insignificant to-day, became extremely important by virtue of another piece of evidence which might be elicited a few days later, and the two together often furnished a clew to very valuable evidence. I had not completed the investigation of Mr. Levey's case when he signified his willingness, to leave the country. (See Exhibit "A" hereto attached.)

What would have been done with him, depended largely upon the trial of C. W. Ashford, and the developments in his case. The fact that Mr. Levey, as well as many other political prisoners, did not in fact take part in the uprising when it came was robbed of any significance in their behalf, by the fact that the plans of the insurgents conclusively showed that the whites were not expected to take part until the arrival of the natives from Diamond Head, which never happened, coupled with the fact that the miscarriage of the insurgents' plans were not known to the foreigners in town until the city was guarded throughout by the armed supporters of the Government. With the rush of work it was impossible to take down many of the statements in writing. A few as to the reputation of the different prisoners were taken down. Several were taken in Levey's case. I attach hereto the affidavits of William Davis and John McLean and also refer to the affidavit of William Wright to be found in the counter statement in the matter of _____ and in the affidavit of James Carty, to be found in the counter statement of Redward. Proofs of the matters covered by these affidavits could have been multiplied indefinitely.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER,
Notary Public.

Exhibit "A."

Whereas I, L. J. Levey, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not

to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said L. J. Levey, in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Warrimoo" leaving Honolulu for the British Colonies on Feb'y 24th, 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 15th day of February, 1895.

(Signed)

L. J. LEVEY.

Witness:

E. G. HITCHCOCK.

JAS. A. LOW.

Feb. 20th, 1895.

The above has been cancelled by a new agreement signed by L. J. Levey of date of to-day, by which his departure is postponed until the 14th of March, 1895.

(Signed)

E. G. HITCHCOCK.

Marshal.

Exhibit "A."

Whereas I, L. J. Levey, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation, now therefore I, the said L. J. Levey, in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in nowise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Mariposa" leaving Honolulu for British Colonies on March 14th, 1895, and will not return during my life time without the written consent of the Minister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 20th day of February, 1895.

(Signed)

L. J. LEVEY.

Witness:

E. G. HITCHCOCK.

A. M. BROWN.

In the matter of the claim of L. J. Levey. Affidavit of William Davis re L. J. Levey.

Republic of Hawaii, }
Honolulu, Oahu. } ss.

William Davis being duly sworn, deposes and says: I am personally acquainted with L. J. Levey and have known him to be a very bitter and pronounced royalist. I am myself a royalist and have associated with royalists and know who they are and know from personal conversations with Levey that his sympathies are strongly with the royalists and against the present Government. Mr. Levey has expressed himself to that effect frequently in my presence at his auction rooms on the corner of Fort and Queen streets, where a good many people of his own way of thinking drop in and talk politics with him.

(Signed)

WM. DAVIS.

Subscribed and sworn to before me this 10th day of February, A. D. 1895.

In the matter of the claim of L. J. Levey. Statement of James McLain taken before W. A. Kinney at the Station House, February 12th, 1895.

Honolulu, }
Oahu. } ss.

James McLain being duly sworn, deposes and says: I was born in Ireland and am a naturalized American citizen, 48 years of age and have lived seventeen years in Honolulu; I know L. J. Levey, the auctioneer and know him to be an irreconcilable royalist ever since the overthrow of the queen; his auction room is a kind of a rendezvous for the royalists; I have a shop near his rooms and next to Thomas Wright and I noticed royalists going in there frequently and also noticed that whenever I went into Levey's rooms, as I did frequently, they would stop talking at once but even such talk as they indulged in when I was around was enough to show their uncompromising hostility to the Government; I have seen Captain J. Ross going frequently to Levey's, when there were no auction sales going on; Captain Ross is a well-known royalist; I have also seen Fred Harrison and Bowler there, also two well-known royalists, P. M. Rooney, a royalist, also was frequently visiting there and standing around and talking; I remember Levey stating that he stood guard at the Queen's residence at the time the Corwin came down, and that he was proud of it and a great deal of talk of that kind. I think Mr. Wright also heard that reference to his standing guard.

(Signed)

JOHN McLAIN.

Subscribed and sworn to before me this 12th day of February, 1895.

(Signed)

ALFRED. W. CARTER.

Notary Public.

In the matter of the claim of Lewis J. Levey. Affidavit of J. A. Low, Jailor of Oahu Prison.

Honolulu. }
Oahu. } ss.

J. A. Low, being duly sworn, deposes and says: I have read the complaint sworn to by Lewis J. Levey, before Thomas Rain Walker, British Vice Consul, under date of February 28th, 1895, and so far as his complaint pertains to his treatment while confined in Oahu Prison I beg to state the following: His statement that he was kept locked in a cell after his arrival at the prison, from 4 P. M. of the 9th of January to 4 P. M. of the 10th, without food other than hard bread and tea, which was passed in his cell, is false.

He was received at Oahu Prison at 5 P. M. on January 9th, along with others, and after writing down the several requests which each one had to make of me, in the way of telephoning to their families, for bedding, clothing, cigars, reading matter, etc., he was locked up. I believe he was served with tea and crackers that evening and I also believe I gave orders to give him tea and crackers the next morning, in fact I plainly remember of ordering that something should be given him and the others who came with him, about 6 A. M., for I recall Mr. Fred Harrison's singing out to me through the grating over the cell door, saying that they were hungry. I answered I would send them a bite, for I could not give them breakfast until 9 A. M. At 9 o'clock he was allowed liberty in the back yard and like the others made the rounds past the corridors, saluting many of the political prisoners confined to their cells at that time. Mr. Levey had the same food as the other foreigners, and ate it on the morning following his arrival and from that time until his release, and if he ate without a knife and fork he did so because of not asking for them, as they were not forbidden. His food, like that served to others, was the same as my food and cooked by the same cook and at the same time as my food was cooked.

What Mr. Levey states regarding the refusing to admit his wife to see him on an order or pass so written by the Marshal I believe to be true. In explanation of this I beg to state that the work of handling such a large body of men and having such large influx of prisoners, with the great confusion and the work of arranging and systemizing for their general care, was all that I could attend to, and as there

was continually some two to three hundred women and children outside of the walls a great portion of which had passes from the Marshal, and others of equal authority, I did not care to be partial in her case. I believe I gave the lady to understand that I would let her in, in a day or two, as I had already done to other ladies. I believe I began to allow friends and relatives to call on Friday, January 11th. Previous to this time I had only allowed persons in on special business matters, principally at the request of prisoners. All local newspapers were deprived Mr. Levey, as well as to other prisoners; this is within my province or discretion in the performance of my duties as jailor, which right I made use of at that time and often explained the reason therefor to Mr. Levey and others. That the principal reasons were because of the sharp editorials therein and the feelings which they might arouse and also because of evidence pertaining to many of the individuals under arrest.

Signed)

J. A. Low.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER,

Notary Public.

In the matter of the claim of M. C. Bailey. Affidavit of W. A. Kinney.

Honolulu, }
Oahu. } ss.

W. A. Kinney being duly sworn deposes and says:

In considering the case of L. J. Levey I had read over the letters from M. F. Crandall to J. B. Castle, made Exhibits in the counter statement of the Government in the matter of the claim of C. W. Ashford. This was shortly after I began my investigations as Judge Advocate. Later on, when reviewing Levey's case again, and preparing for the trial of C. W. Ashford, I had asked Mr. Crandall to furnish an affidavit in explanation of and in connection with his said letters to said J. B. Castle, Collector of Customs.

This he did on the 11th of February, 1895. In looking it over I found reference to M. C. Bailey: "On or about December 18th I had a conversation with Mr. Mike Bailey in which he said in answer to an invitation to take a room at my house at Waikiki, "Crandall, things are getting to a pretty close focus, "and I want to be here in town. I think I will sleep here in "the store so as to answer a call should it be necessary, and "they are expecting to land some men and guns the other side "of the Pali, and they will telephone from Mendonca's—because that is the nearest place." I said, would they dare tele-

phone at night as the Telephone Company would notify the police. He then said: "The message will be, how are you folks, "everybody is well here."

I sent for Mr. Crandall and had a talk with him in regard to his statement in his affidavit made that day, as it was new to me, my attention not having been called to Mr. Bailey before that.

Mr. Crandall affirmed unhesitatingly the truth of the statement in regard to Bailey and then went on to say that Mr. Bailey had also heard some of the incriminating conversations between Levey and him, Crandall, and further said that Bailey was absolutely in the confidence of Mr. Levey and with the royalists who gathered at Levey's auction rooms. He further said that the authorities in San Francisco were after Bailey, who had fled from justice for some criminal misappropriation of trust funds.

Upon further inquiry at the police department the political affiliation of Bailey with active agitators for the restoration of the Queen was confirmed and requested the Marshal to arrest him for Misprision of Treason; it was accordingly done on the 12th day of February, the day after I had received the information from Crandall as aforesaid.

On either the 14th or 15th of February Marshal Hitchcock told me that Bailey had sent for him and wanted him to come to him and that he was completing arrangements to let him go. I told the Marshal that we couldn't allow it, as we would probably have to try C. W. Ashford and L. J. Levey, with whom Bailey was mixed up and that I wanted Bailey within reach when I went to trial on those two cases. The Marshal said you had better go over and explain it to Bailey yourself, as I have consented to let him go. I therefore went and explained the matter to Bailey. Bailey said, "Well, it is pretty hard lines to "keep me here when I am willing to go, because of Mr. Levey." I said nevertheless it would have to be done.

I don't remember just how it came up, but I remarked to Bailey that the case of Levey was more important to us than his own, for he, Bailey, knew as well as I that he was wanted in San Francisco by the authorities there, and if the government failed to prove a case against him for complicity in the uprising it made no particular difference, for if at any time thereafter he made himself dangerous to the Government we could procure his removal to San Francisco by communicating with the authorities there. He said, but you have no right to do that. I replied that we had an Extradition Treaty and there would be no trouble about it.

I distinctly deny referring to foreign representatives as sworn to by him in his statement, and I deny that I urged Bailey to induce Mr. Levey to leave.

I was firm, however, on the proposition that he should not

leave, and he finally saw it. He asked if he could consult with Mr. Levey and I consented and told Mr. Low, the Jailor, to allow Mr. Bailey to talk with Mr. Levey and I left.

I knew nothing more about it until later in the day I was told that both had expressed a desire to leave.

Several days after Bailey's release I met him and he told me that he had talked very plainly to Mr. Levey and told him that he, Bailey, was not going to be sacrificed on Levey's account. I do not remember the whole of the conversation, but he gave me to understand that he knew too much for Levey's safety and would not guarantee to keep it secret if Levey put him in jeopardy by refusing to leave.

(Signed)

W. A. KINNEY.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

In the matter of the claim of M. C. Bailey. Affidavit of E. G. Hitchcock.

Honolulu, }
Oahu. } ss.

E. G. Hitchcock being duly sworn, deposes and says:

February 14th, 1895, Jailor Low telephoned to me that M. C. Bailey, then detained in Oahu jail for complicity in the January uprising, wanted to see me.

I knew what that meant, to-wit, that he probably wished to leave the country as others were doing at the time. I had arrested him two days previously for Misprision of Treason, at the instance of Judge Advocate Kinney. I went out with a copy of the usual formal agreement we were using and showed it to Bailey. There was no argument, inducing or anything of the kind took place; he was more than willing to go.

I looked up the date of the sailing of the next steamer and found it would take him to San Francisco. He at once said he could not go there, he was wanted by the authorities, so I arranged for a later steamer leaving for Vancouver, March 4th, and left him to go back and make arrangements accordingly.

At the office I met Judge Advocate Kinney and told him what was done; he objected and said Bailey was not to leave as he would want him here at the trial of L. J. Levey, and that he was also concerned in Ashford's case.

I therefore stopped making the arrangements for Bailey's departure. Later in the day, however, both Levey and Bailey

agreed to leave, the Judge Advocate was willing and the matter was settled in that way.

A copy of the agreement signed by Bailey is attached hereto.
(Signed) E. G. HITCHCOCK.

Subscribed and sworn to before me this 4th day of November, A. D. 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

In the matter of the claim of M. C. Bailey. Affidavit of Jailor J. A. Low.

Honolulu, ss.
Oahu.

J. A. Low being duly sworn deposes and says:

On the 15th day of February, 1895, Judge Advocate Kinney had an interview with M. C. Bailey, a committed political prisoner, at Oahu jail. As Mr. Kinney was leaving, he said Mr. Bailey wished to see Mr. L. J. Levey, and to allow him to do so. I sent for Mr. Levey and he and Mr. Bailey had a private consultation for perhaps a half hour. Then they went out into the yard. Pretty soon Levey came to me and said he had made up his mind to go and he wanted to get out at once, that day. Both signed agreements to leave the country that same day and they were released.

(Signed)

JAMES A. LOW.

Subscribed and sworn to before me this 4th day of November, 1895.

(Signed)

HARRIET E. WILDER.

Notary Public.

Whereas, I, Michael Cole Bailey, am now held in confinement for complicity in the recent insurrection against the Hawaiian Government, and have expressed a desire to leave the country not to return, provided the said Government shall in its clemency consent to such expatriation now therefore, I, Michael Cole Bailey, in consideration of the consent of the Hawaiian Government, that I shall leave the Hawaiian Islands immediately upon being released (it being understood and agreed by me that said charge is in no wise withdrawn nor in any sense discontinued) do hereby agree that when allowed to leave the custody of the Marshal, I shall and will leave the Hawaiian Islands by the S. S. "Miowera," leaving Honolulu for Vancouver, B. C., on March 4th, 1895, and will not return during my life time without the written consent of the Min-

ister of Foreign Affairs, or other officer having charge of said department, approved by the Marshal.

Witness my hand this 15th day of February, 1895.

(Signed)

MICHAEL COLE BAILEY.

Witness:

JAS. A. LOW.

E. G. HITCHCOCK.

Mr. Hawes to Mr. Cooper.

BRITISH CONSULATE GENERAL,

Honolulu, May 28th, 1896.

SIR:—I have the honor to inform you that the note addressed to me by Mr. Hatch on the 4th of November last, has received the most careful attention and consideration at the hands of Her Majesty's Government.

It is not controverted that on the occasion of an insurrection any Government is justified in proclaiming Martial law and in using the force necessary for its suppression nor is it disputed that a Government possesses the right to require the removal from its country of an alien whose presence may reasonably be expected to produce disorder, or to interfere with the maintenance of good Government. Her Majesty's Government consider that an alien resident in any country may be properly prosecuted and punished in due course of law for seditious offences or for conduct endangering the peace of the community and properly punishable by the law in force, but they cannot accept the proposition that by the acquisition of a domicile in the Hawaiian Islands a British subject forfeits his right to the intervention of Her Majesty's Government on his behalf in cases wherein he may appear to have been treated in an arbitrary and oppressive manner.

The contention that the persons claiming redress had not exhausted their remedy before the Hawaiian Courts is one which appears to Her Majesty's Government to be quite unsustainable in view of the Acts of Indemnity passed by the Hawaiian Legislature. No objection would have been made by Her Majesty's Government to the prosecution and punishment of such of Her Majesty's subjects in Hawaii who had been guilty of participation in seditious or treasonable acts either in due course of law or under Martial law if the enforcement of Martial law was reasonably necessary for the safety of the community.

The agreement to leave the Hawaiian Islands cannot, Her Majesty's Government state, be construed as an admission of guilt being signed under pressure of imprisonment and apprehension of proceedings under Martial law at a time when in

the view of Her Majesty's Government such proceedings could not be supposed to be necessary for the safety of the community.

The persons who pray for intervention in their behalf were in the opinion of Her Majesty's Government subjected to imprisonment under Martial law under circumstances which show that in respect to those persons Martial law was not enforced for the suppression of insurrection but that it was used as a means of punishing them by imprisonment and exile for having expressed views unfavorable to the existing Government of Hawaii, and that compelling aliens the subjects of a friendly State to leave the country at great inconvenience to themselves and at the cost of ruin in business is in the absence of circumstances which call for such measures as an Act of self-protection a step of an unfriendly character which justifies the Government of such aliens in expecting that adequate compensation will be made to them.

The expression of the foregoing views of Her Majesty's Government upon the matter in question move me to beg of you an early reply from the Government of the Republic of Hawaii.

I have, etc.,

A. G. S. HAWES.

Mr. Cooper to Mr. Kenny.

DEPARTMENT OF FOREIGN AFFAIRS,

Honolulu, H. I., December 17th, 1897.

MY DEAR MR. KENNY:—Referring to our several conversations in regard to the claims which have been preferred by your Government on behalf of certain British subjects, I have to say that I presented your proposition, for settlement to the Executive Council and after mature deliberation, I am directed to inform you that the Executive intends to recommend to the next Legislature the payment of the Dunwell claim, but in regard to the other claims, it has been decided that the Government cannot recognize any liability and that the payment of any sum, even by way of compromise, cannot safely be done, as it is our opinion it will establish a precedent which might become embarrassing in the future.

I am, dear Mr. Kenny,

Very sincerely yours,

HENRY E. COOPER.

Mr. Kenny to Mr. Cooper.

BRITISH CONSULATE GENERAL,

Honolulu, January 17, 1898.

SIR:—I have the honor to request that you will be so good

as to send me a formal reply to the note addressed to you by my predecessor, the late Mr. Hawes, on May 28, 1896, in support of the claims of certain British subjects against your Government.

I have, etc.

W. J. KENNY.

Mr. Cooper to Mr. Kenny.

DEPARTMENT OF FOREIGN AFFAIRS,

Honolulu, H. I., 1st Feb'y., 1898.

SIR:—In response to your request of January 17th that I make you a formal reply to the note addressed to me by your predecessor, the late Mr. A. G. S. Hawes, on May 28th, 1896, I have the honor to say, in addition to my personal note upon this subject, that it is understood that your Government does not controvert the contention that on the occasion of the insurrection of 1895, (1) the proclamation of Martial law was justifiable; (2) that there was full authority for the prosecution and punishment of all those who were connected with that affair; and (3) that the main basis of the claims of British subjects for compensation, is that they were subjected to imprisonment under Martial law under circumstances which show that, in respect to those persons, Martial law was not in force for the suppression of the insurrection, but that it was used as a means of punishing them by imprisonment.

With the exception of the case of Charles E. Dunwell, my Government is unable to admit that any of the persons who are the subjects of this correspondence were subjected to punishment, and for that reason sees no grounds for any liability to compensate them for either loss of time, injury to business or personal feelings during their confinement. This same suggestion applies to those who were allowed to leave the country upon their own requests as evidenced by the signing of stipulations by them previous to leaving, which stipulations, it is firmly maintained, were not executed under any pressure or apprehension, other than their liability to be tried by a competent tribunal for their alleged participation in the insurrection.

In regard to the case of Dunwell, it is admitted that he was subjected to unnecessary punishment for the purpose of compelling him to testify to a matter which was within his knowledge but which he persistently refused to admit; and although the treatment which he underwent is not without precedent in other countries under similar circumstances, it is proposed by the Executive to recommend to the Legislature a sufficient appropriation for the payment of his claim of six hundred and

fifty pounds sterling (£650.0.0) but no further or other liability in regard to any of the other claimants can be admitted.

With the highest consideration,

I have, etc.

HENRY E. COOPER.

Mr. Cooper to Mr. Kenny.

DEPARTMENT OF FOREIGN AFFAIRS,

Honolulu, H. I., 3 May, 1898.

SIR:—Adverting to Mr. Hawes' despatch of March 31st, 1896, in which he presents Mr. Dunwell's claim for damages, for arrest and imprisonment in 1895, to the amount of six hundred and fifty pounds sterling, and to our conversations and my letter to you of December 17th, 1897, I have the honor to inform you that the Legislature has, in accordance with the recommendation of the Executive authorized the payment of the amount, and that the money is at your disposal.

With sentiments of the highest esteem,

I have, etc.

HENRY E. COOPER.

Mr. Kenny to Mr. Cooper.

H. B. M.'S CONSULATE GENERAL,

Honolulu, July 5, 1898.

SIR:—I have the honor to acknowledge the receipt of your despatch of February 1, last, in reply to the note in support of the claims of certain British subjects against your Government addressed to you by the late Consul-General Hawes on May 28, 1896, stating that, with the exception of the case of Charles E. Dunwell, the Government of Hawaii is unable to admit that any of the persons, on whose behalf claims have been presented by Her Majesty's Government, were subjected to punishment, and for this reason sees no ground for any liability to compensate them for either loss of time, injury to business or personal feelings during their confinement, that this same suggestion applies to those who were allowed to leave the country upon their own request, as evidenced by the signing of stipulations by them previous to leaving, and that the Hawaiian Government firmly maintains that these stipulations were not executed under any pressure or apprehension other than their liability to be tried by a competent tribunal for their alleged participation in the insurrection.

Her Majesty's Government note with satisfaction that the Government of Hawaii has admitted the justice of Dunwell's claim, but they cannot accept the contention which has been put forward with regard to the other claims.

The reason which induced Her Majesty's Government to present these claims are fully set forth in the note addressed to you by the late Consul-General Hawes on May 28, 1896, above referred to. Nothing which the Hawaiian Government has since advanced has led Her Majesty's Government to change their opinion with regard to the fairness and equity of these demands. But as a proof of their wish to maintain friendly relations with the Government of Hawaii and of their desire to arrive at a satisfactory solution of this question, Her Majesty's Government would propose that the cases which still remain unsettled should be referred to the arbitrament of an independent jurist of high standing; such jurist to be selected by agreement between the two governments, or, in the event of their being unable to arrive at an agreement, to be designated by the King of Sweden and Norway, the President of the Swiss Confederation, or by some other neutral personage of high distinction.

Her Majesty's Government would be glad to receive an early decision with regard to this proposition.

I have, etc.

W. J. KENNY.

Mr. Cooper to Mr. Kenny.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, H. I., July 15th, 1898.

SIR:—I have the honor to acknowledge the receipt of your communication of the 5th instant, relating to the claims of certain British subjects against the Hawaiian Government and in which you set forth as a means of arriving at a satisfactory solution the proposal of Her Majesty's Government that the cases which still remain unsettled should be referred to the arbitrament of an independent jurist of high standing, or failing an agreement as to the person to be selected, to have him designated by the King of Sweden and Norway or the President of the Swiss Confederation or by some other neutral personage of high distinction.

I have the honor to reply that this Government appreciates fully the courteous proposition of Her Majesty's Government to submit the matter to a disinterested arbitrator and is pleased to consider it as an evidence of the friendly feeling of Her Majesty's Government towards this Republic. The Hawaiian Government, however, does not consider that it has

authority to act in the premises in view of the consummation of the annexation of this country to the United States of America.

With the highest respect, I have, etc.

HENRY E. COOPER.

APPENDIX A.

THE ROYALIST MASS MEETING.

Resolutions Adopted Protesting Against the Government's Action.

THEY DO NOT LIKE THE CONVENTION.

Speeches by Kaulukou, Ashford, Rosa, Phillips and Others—
They Plead to be Allowed a Voice in the Coming Election
Without Taking the Oath.

Palace Square was crowded last evening at the royalist mass-meeting, there being about 2000 people present, about one-third of the number that turned out at the last meeting that was held there. A large number of these were Chinamen and supporters of the Provisional Government who had come from curiosity. A stand had been erected for the evening, and it was gaily decorated with Hawaiian flags. The National Band was in attendance and played several numbers before and during the meeting.

On the platform were C. W. Ashford, J. L. Kaulukou, J. F. Bowler, L. J. Levey, John Phillips, F. R. Redward, Antone Rosa, C. B. Wilson, T. A. Lloyd and J. K. Kahookano. C. W. Ashford opened the meeting by saying that Kaulukou had been appointed chairman, and L. J. Levey, secretary for the evening. He then introduced Mr. Kaulukou as the first speaker, who said:

To all of you, natives of Hawaii as well as foreigners, I wish a very good evening. We have been called together in this great meeting to consider our rights, personal and otherwise. As you know, at the present time everything is not satisfactory. This party that is now in power proposes to hold a constitutional convention, and we are here to talk over this situation calmly, without arms and in a quiet manner to find out what our rights are. It is the custom in other countries to call these mass meetings, and I earnestly ask you to meet here without any violence, and when the meeting is over to go to your homes quietly, and let there be no breach of the law lest we be accused of not being fit to rule. I want you to listen to something that I think you should hear, and that greatly concerns us. This is the coming constitutional con-

vention. The Provisional Government proposes to establish a Republic and that that may be carried out in a proper manner they intend to have a new constitution. In order to carry out this idea an Act has been passed, providing for an election of eighteen members to a constitutional convention. Nineteen members of this convention are already declared elected in the members of the Advisory Council, and this is a majority of the whole convention. The election of these eighteen members is to take place on May 2d. This convention is supposed to represent the people. These delegates are to meet and make a new constitution, as I said before the Government already has nineteen members in this convention, and this gives them a majority. Is this fair? Is this right or just? These eighteen delegates cannot act freely or as they wish to act, as the law provides that they must take an oath against restoring any monarchical form of government. I want to ask you if you have ever heard of anything like this? If this method is carried out, we will never have any peace in this country. Who appointed these nineteen men? They were not elected by the people nor do they voice the sentiments of the people at large, and if they form a constitution it will not voice the public sentiment. If this action is not just, what are we to do? Let our rights slip, and go for good? If we sit dumb and enter no protest this will be the grave of our rights. It has been fourteen months since the Provisional Government came into power and we have waited with patience.

Mr. Kaulukou then rambled on for a few minutes, but only repeated himself over and over. He claimed that, as the United States had not yet settled the matter, the Government had no right to take this step.

J. K. Kahookano was the next speaker. He said, in part:

The annexationists propose to call a Constitutional Convention, and to that end they are calling upon all to register, and above all, they want the Hawaiians to register. But we all know that this Constitutional Convention is only a blind, as their ultimate aim is annexation. Why is all this eagerness for us to register? But for me, I know their purpose. The Provisional Government supporters are railroading this scheme in order to hurt our cause at Washington. We all know the treatment of the blacks in America by the Americans, and I do not propose to be treated the same. But I do not know how you may feel about the matter. The blacks are a much-abused and scorned people. Dear friends, I know the times are hard, but I advise you to remain steadfast. Those who wish to register can do so according to the dictates of his conscience, but there is no law compelling you to register. But remember this is an iron chain intended to bind us. It is not a wise movement for us to take away now from the hands

of the Senate our appeal before them, for that is virtually the result of your registering. And all those who are loyal, who are not office-seekers, and who are in no way in fear of starvation can weigh the matter carefully and choose as he pleases. But as for me, I am not going to register, for I know the present Government is acting only as our trustees or agents, for the real government is yet to be established.

John Phillips said:

I did not know that I was to speak until two hours ago, and have had no time to prepare a speech. The subject matter of this meeting is a limited one, and what one speaker says must necessarily be repeated, in other form, by others. We are here to protest against the coming Constitutional Convention. The Government proposes to have eighteen members elected, and by the cumulative vote which has been adopted, it can control everything. The President might as well stand on the steps of the Executive Building, and read out, clause by clause, this new Constitution, and have it adopted. The result would be the same. We do not consider this fair. We see no reason why these thirty-six men should not be elected by the people. It would not harm the Government, although they might not get exactly what they want. We want popular representative government. We do not like to see armed guards parading our streets day and night, when there is no necessity for it. I do not want to say much more. Those speakers who are to come have had time to prepare their speeches, and are in no danger of being arrested for sedition, while I might say something that would lay me liable to that law. All I can say is, Gentlemen of the Provisional Government, give us a full and free vote and we are with you.

C. W. ASHFORD.—To use a homely expression, the Provisional Government has bitten off more than it can chew, and is very liable to get the lockjaw. I have always lived in a free country until the 17th of January, 1893. I believe in free government, a free press, and free speech and I am going to work for them to the best of my ability. American doctrine is this—no government can exist without consent of the governed. No matter what it might have been 100 years ago, British doctrine is the same now and there is no reason why it should not be Hawaiian doctrine. These gentlemen who constitute the Provisional Government claim that they want to give us a free American government, but have they shown that we can have a government, by the people, of the people, and for the people? (A voice—no, they have not). You bet they have not. In regard to this convention, it is more like a Mexican Congress than anything else. Nineteen of them have declared themselves elected. Let me not detract from their qualities. There are men there who are well qualified for the position. If they could only get the people to say so, all

right; but they can't, and they are afraid to ask the people to do it. On what possible pretext do they act this way? If this is to be a representative Convention, why are not all the members elected? I defy anyone to show me a precedent for such a proceeding. Is this a sample of the Americanism we are to get? If so, God knows the less we get of it the better. I do not want to abuse anyone; but the Provisional Government, great as it is, is not above criticism, although it would like to place itself there. We may not, under the pains and penalties of the sedition law, express our full opinion, but we can act them if we do it peacefully. No one more than myself would deprecate violence until this question is settled. But we can do nothing. By an oversight on the part of my friend the Attorney-General, it has not yet been made criminal to do nothing, though it probably will be soon, and for the present we are at liberty to do it. The method we will take of doing nothing is to let this election oath severely alone, and let them settle their own little squabble in their own little way. One detriment to this oath is that it will strip the taker of his allegiance to his own country. My friend, His Excellency the Attorney-General, great lawyer as he is, has declared the opposite, but we should not take the chances of it in this one-sided affair. Another thing is, that it is not proposed to submit the new constitution to a vote of the people. Let me ask if there is a man who can point to any portion of the Constitution of the United States, either State or Federal, that has not been submitted to the approval of the public? You may remember a revolution that took place in January, 1893. The reason given for that revolution was that the Queen proposed to promulgate a new constitution. Where is the action of the Provisional Government any better? If it was a crowning sin on the part of the Queen, why is it a crowning virtue on the part of the Provisional Government to do it now? I trust that some of their orators or some of their journals will explain it. Is it simply because it is done by "us good people?" And I have no doubt it is already prepared and laid away waiting for the railroad. The boast of the Provisional Government is that they have 7000 of the votes of the Islands in their favor. If this is true—and God knows it is a blasted lie—but if this is true, why are they afraid? If they have this number, they have a clear majority, and if they have a majority, why don't they have a popular vote? Only this afternoon, a member of the Advisory Council was in my office and he promised to speak at this meeting and give his reasons why he would not register. Something has interfered with his coming, but nevertheless he is against this oligarchical form of government, and he will fight it, both in the Councils and in the convention. His example is good enough for me. I will not take this oath, when I know that those

nineteen men across the way will have a majority, even if we should all vote. Let us, then, keep our hands off, and see how many of the 17,000 voters of these Islands have cast their votes on the 2d of May.

ANTONE ROSA.—We are gathered here to explain to our Hawaiian friends what their proper course is. We have the right to assemble and express ourselves peaceably, and it is our duty to do so. The Government has assumed a menacing attitude—police surveillance all over the place. What is the purpose of this? This is almost a Hawaiian meeting. Have not the Hawaiians preserved a peaceable and quiet attitude for a year? But here are Provisional Government officers peeping around everywhere. Should we take the oath? Others have expressed themselves on this subject. I say a Hawaiian who does it, except under extreme necessity, betrays his country. In the United States the representative of this Government said the Hawaiians were unfitted for self-government. Now they are asking their help, reaching out their hands to the lowly man and saying, "Come to me, brethren." They have said that the Hawaiians were fit for nothing but to eat poi and fish and drink gin.

Upon the conclusion of Mr. Rosa's remarks, a lantern was placed on a chair, and by the light of its chaste and watery beams Mr. Rosa read in native, and Mr. Ashford in English, the following resolutions:

RESOLUTIONS.

WHEREAS, The Provisional Government of the Hawaiian Islands has called a convention for the purpose of preparing and promulgating a Constitution for these Islands, and has, in the Act calling such convention, provided that the same shall consist of 37 members, to include the 19 self-appointed and non-representative members of the Executive and Advisory Councils of said Government, and 18 members to be elected; and

WHEREAS, Said Act provides that voters for delegates to such convention, and such delegates, shall first take an oath to bear true allegiance to said Provisional Government, and to oppose the re-establishment of Monarchy in the Hawaiian Islands, thereby unreasonably restricting the people, and such convention, in their choice of a permanent form of Government, and makes no provision for the submission of the Constitution which shall be so prepared, to a vote of the people; and

WHEREAS, There is now pending and unadjusted before the Government of the United States of America, the protest of the Constitutional Government of Hawaii against the action of those by whom said Constitutional Government of Hawaii was deposed, on the 17th day of January, 1893;

NOW THEREFORE, BE IT RESOLVED, by us, the loyal people of Honolulu, in mass meeting assembled, on the evening of this 9th day of April, 1894, that we will and do decline to take said oath, or to register or vote for delegates to such convention as aforesaid; and we further decline to participate or co-operate in any project of said Provisional Government to extinguish the Hawaiian Constitution of 1887, or to adopt a form of government other than that sanctioned by said Constitution, until a definite and final reply to said protest of the Constitutional Government of Hawaii shall have been received from the Government of said United States;

RESOLVED, That we regard the said Act passed by the said Provisional Government, and especially the provision thereof which makes the members of said Councils also members of said Convention, thereby assuring a majority of non-representative members therein, as being calculated and intended to prevent a full and fair representation of the people in such Convention; and we regard the oath thereby prescribed as a practical disfranchisement of the Hawaiian people, and of all who, with them, remain loyal to the form of government here existing from time immemorial;

RESOLVED, That we appeal to our compatriots and sympathizers throughout the land to stand firm in their refusal to take said oath, or to register or vote for delegates to such Convention;

RESOLVED, That the chairman and secretary of this meeting are hereby instructed to forward a copy of these resolutions to His Excellency the Minister Plenipotentiary of the United States in Hawaii, with a request that he will forward the same to his Government.

Mr. Kaulukou put the resolutions to vote, which were adopted by a mild cheer, after which the people went home.

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June 19/94

Her Majesty the Queen

I trust your Majesty
will not consider me
as presuming too much
but my attention was
called last night to the
advisability of your Majesty
now demanding an answer
to the protest of Japan.

My opinion is that such
is an important & necessary
step. See that copies are
served on England France
& Japan. & let it be done
at once, affected by all

your Majesty's Ministers -
The situation is one of the
greatest gravity but let
me be by the Queen to
be brave for she has loyal
hearts & true among Her
white friends -

Promptness is of importance
just now & if, your Majesty
thinks well I would like to
see Capt^{re} Nowlan on other
matters affecting the Queen's
interests

With respect & loyalty

Your Majesty's
obed^t servant

H. F. Reynolds

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CONSTITUTION.

WHEREAS the Constitution of the Kingdom contains provisions not in full accord with the wishes of a majority of the people.

AND whereas during the year 1890 & 1892 there were expressed wishes by the Legislature for a constitutional convention.

AND whereas on the 17th day of Jan'y. 1893 circumstances arose whereby the constitutional sovereignty of this Kingdom was held in abeyance.

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shall then be sworn by the Judges of the Supreme

and take the following ^{Oath} "I ~~do~~ ^{can} do solemnly ~~swear~~ in the pres

ence of Almighty God that I will bear true allegiance to the Sovereign

of this Kingdom, will support the Constitution, forswearing

any other allegiance owed or held by me. Forms in conformity

with this Article shall be kept by the Clerk of the Supreme Court

A Fee of Five dollars shall be collected for each Letter from

each applicant. Such fees to be handed to the Finance *office as a Government realization*

ARTICLE ³⁴ When deemed wise and well, in the interests of

the Kingdom, the Sovereign with the concurrence of the whole Cab-

signature of the Sovereign and all the members of the Cabinet.

A fee of Ten Dollars shall be collected for the issuance of such letters. The Foreign Office shall have terms of conformity here

with and shall collect the fees, to be afterwards turned into the Finance office as a Govt realization

ARTICLE ~~33~~ ³⁴ the Privy Council in its wisdom, where cases of grave emergency shall arise, call to its assistance any

person or persons of sound judgment, who may be willing to give advice, but such person or persons may not vote on the question before the Council.

ARTICLE ~~35~~ ³⁴ whenever, upon the decease of the reigning Sovereign, the Heir shall be less than eighteen years of age, the

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shall be entitled to receive for their
services a compensation to be determined by law, and paid out of
the Public Treasury, but no increase of compensation shall take ef-
fect during the biennial term in which it shall have been made;
and no law shall be passed increasing the compensation of Repres-
entatives beyond the sum of Five hundred ~~Two hundred and fifty~~ Dollars each for
each biennial term.

Article 59. A Noble shall be a subject of the Kingdom, who
shall have attained the age of twenty five years, and shall be the
owner of taxable property in this Kingdom of the value of Three
thousand Dollars, over and above all encumbrances, or the receipt of

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Second; If a denized subject he shall produce his letters
of denization.

Third; That he shall be able to read and comprehend an or-
inary news-paper printed in either the Hawaiian, ~~or~~ English, ~~or~~
~~or~~; or some other European Language

Fourth; That he shall have been domiciled in the district
in which he offers to vote not less than three calendar months previous to
an election. He shall not however lose his vote by moving from
one district to another provided he can give full and satisfactory
evidence that he was entitled to vote in his old district and on
such satisfactory proof being made by the Inspectors of Election

